

SENATE—Wednesday, September 21, 1994

(Legislative day of Monday, September 12, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN B. BREAU, a Senator from the State of Louisiana.

The PRESIDING OFFICER. This morning's prayer will be offered by our guest chaplain, the Reverend Spyridon C. Papademetriou, of St. Matthew's Greek Orthodox Church from Reading, PA.

PRAYER

The Reverend Spyridon C. Papademetriou offered the following prayer:

Let us pray:

Almighty and everlasting God, Father of all people everywhere, we bow in humble gratitude for the multitude of Thy mercies so richly showered upon us.

We are grateful for this great Nation, conceived in liberty and dedicated to equality and justice for all. Our fathers trusted in Thee in the past; we beseech Thee, now and always, to strengthen our faith, too. Give our leaders clear vision to see Thy will as their duty, and inspire them with the might of Thy wisdom. Teach us that "righteousness exalts a nation."

Let us see clearly and follow faithfully the ideals that belong to our peace and the peace of the whole world for the sake of Thy kingdom on Earth as it is in Heaven. For Thou art our God, a God of love, mercy, and compassion, and to Thee we ascribe glory, to the Father, the Son, and the Holy Spirit, now and forever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN B. BREAU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BREAU thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time this morning is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Nevada, under the previous order, was to be recognized to speak for up to 15 minutes. He is not here.

Mr. DECONCINI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I am going to speak for 5 minutes or so under the order, but I would be glad to yield to the Senator from Rhode Island if he wants to make a statement.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Arizona very much.

WELCOME TO REVEREND PAPADEMETRIOU

Mr. CHAFEE. Mr. President, I wish to say how proud we are to welcome here Father Papademetriou, who gave the invocation. He is from St. Matthew's Greek Orthodox Church. He is somebody whom I have known over the years, and we are very proud he gave the invocation. I think all who followed that invocation clearly, with the praise for our great Nation, know how lucky we are, how blessed we are in this country. These are sentiments we all share, and I want to congratulate Father Papademetriou.

I thank the Senator from Arizona very much.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I join with my friend from Rhode Island in complimenting our guest chaplain this morning, and certainly our esteemed Chaplain, who has been with us for a long time, almost as long as I have been here, for his constant efforts in our behalf. We appreciate that even though we may not say it often enough. I know this Senator does.

PRESIDENT CLINTON'S LEADERSHIP IN HAITI

Mr. DECONCINI. Mr. President, I rise to congratulate the President of the United States on the tremendous leadership he has demonstrated in Haiti. President Clinton's decision to put together a multinational force authorized by U.N. Resolution 940 to restore the democratically elected Government of Haiti, in conjunction with a final diplomatic effort carried out by former President Carter, General Powell, and our distinguished colleague, Senator NUNN, was the decisive impetus which finally led the military rulers in Haiti to agree to step down and turn over power to the legitimately elected officials.

While I believe the President made a clear and compelling case for the use of force, I did not relish the use of military force for an invasion, and I was gravely concerned about the potential loss of American lives in such an endeavor. No one wants to place our military men and women in harm's way, but the diplomatic options had been exhausted. I am deeply grateful that the President made one last diplomatic step to peacefully restore the elected President of Haiti, which will assist the Haitian people to build democratic institutions and rebuild their economy.

Surely, there will be tense moments ahead, and Haiti's future is, indeed, uncertain. The military leaders who have agreed to step aside have broken many commitments time and time again. The most infamous one was the July 1993 Governors Island agreement where they had agreed, and then failed to honor their commitment, to restore the democratically elected Government of Father Aristide. Surely, this agreement will have to be watched and monitored carefully. We do not know if the military rulers will honor their commitment they have just made to leave no later than October 15.

I am cautiously optimistic, however, that the transfer of power will occur, and I do believe it can occur and will occur. The men and women in our Armed Forces also deserve the strongest praise for what has been a highly successful operation to date. If President Clinton had not balanced power with diplomacy, there would be no end in sight to General Cedras' hold on power and the reign of terror they have inflicted on the Haitian people. It was the President's leadership which allowed U.S. troops to go in not forcefully but peacefully to ensure the transition.

Incredibly, some Republicans continue to take political aim at the President even though it is President Clinton who has achieved the objective set forth by former President Bush. That objective, shared by both Presidents and now on its way toward implementation, is the restoration to power of the democratically elected Haitian President and the end of a reign of terror close to American shores.

These gentlemen who are leaving power certainly have records that are anything but democratic. They have reigned with brute power and force. They have permitted their own thugs and gangs to administer their own justice to anyone who has opposed them.

I think it is important that we understand that President Aristide, as many political officeholders, including this one and, I daresay, most in this body, often said things that might be misinterpreted or actually were said in the manner they were said because of the frustration and the anger that builds up sometimes in political office. Mr. Aristide did do that when he was President, but such remarks do not justify throwing out a constitution and a freely elected President. There is a rule of law. There is a rule of order. There is a constitution. These should have been respected.

Mr. Aristide, since he was deposed and recently on a number of occasions, has stepped up and said there will be no retaliation, at least from him, and he will do all he can with his supporters to see that there will not be retaliation. But you can understand why there might be retaliation. Imagine if you saw your daughter, your wife, your son, or your father raped, murdered, body washed up on the beach and you knew who committed that crime. You might have a hard time, even under the Judeo-Christian belief, turning the other cheek and not taking some retaliatory action. It is difficult for people to do that, as we have seen in many other parts of the world.

So we need leadership now, and Mr. Aristide has demonstrated that he is prepared to lead.

President Clinton demonstrated that he would use force. But he did not just take a poll, lick his finger and put it up in the air to see which direction the political wind was blowing. He showed great leadership by taking action after the years of failed attempts to get the military leaders to leave power.

I watched the debate here prior to the deployment of U.S. troops, and it really bothers me to see so much partisanship relating to this issue and to the President.

As they continue to assail the President's policy in Haiti, I would urge my Republican colleagues to ponder the following statements made to representatives of the Organization of American States:

The test we face is clear to defend democracy; to stand united as a community of democracies; to make clear that the assault on Haiti's constitutional government has no legitimacy and will not succeed.

Let the coup plotters in Haiti—and any who dream of copying them know this: This hemisphere is united to defend democracy.

I am not quoting the U.S. Ambassador to the OAS, Hattie Babbitt. Nor am I quoting U.N. Ambassador Albright, nor Secretary Christopher. No, the man I am quoting is former Secretary of State James Baker. This clever architect of the international coalition arrayed against Iraq made these remarks during an October 1991 address to the OAS. If this hemisphere was "united to defend democracy" in 1991, I would ask my colleagues, what has changed in 1994? Nothing, I would argue. Nothing but politics.

It was President Bush who said in September 1991 that the coup "constitute[d] an unusual and extraordinary threat to the national security, foreign policy and economy of the United States." If that statement by President Bush was true in 1991, and this Senator believes that it was, then the statements made and the recent actions taken by President Clinton are a logical and correct extension of those remarks. After 3 years of negotiations and other peaceful attempts to get General Cedras and the others to step aside, it was time to bring an end to the terror and impoverishment which the military thugs were perpetuating against the Haitian people.

Had President Bush been elected in 1992, would we have seen all this opposition to this policy? I rather doubt it.

Those military leaders, led by Gen. Raoul Cedras and Lt. Col. Michel Francois, overthrew the popularly elected Government of President Aristide, who was supported by almost 70 percent of the population at the ballot box, with 12 different candidates monitored by international observers who concluded it had been a fair election.

That election culminated years of struggle by the Haitian people on the road to achieving a functioning democracy. It was snuffed out overnight by the military coup which showed complete and utter contempt for the will of the people. President Clinton's difficult decision to use force to oust the military leader came after 3 years of our Government's extraordinary attempts, in concert with the OAS and United Nations, to achieve a peaceful restoration of the democratically elected Government in that nation. Those efforts were met with lies, broken promises, and an arrogant disregard by Cedras and his groups for the will of the people of Haiti and the diplomatic efforts of the international community.

It was President Clinton's leadership in deciding after all diplomatic efforts had failed that the time to take decisive action had finally come. The threat of force coupled with our suc-

cessful diplomatic efforts will allow for the peaceful transfer of power to Haiti's democratically elected officials. We owe President Clinton as well as President Carter, General Powell, and Senator NUNN our deep gratitude for their success in getting the military leaders to give up their illegitimate hold on power, thereby avoiding the bloodshed that surely would have occurred had an invasion force landed and taken over that island nation.

Our military people were prepared, as always. They stepped up and did what they were instructed to do. They were prepared to carry out the mission, and they are prepared to follow the Commander in Chief.

Some I am sorry to say, continue to question why we are in Haiti at all. Last Thursday night President Clinton clearly outlined United States interests in Haiti: They encompass: First, The preservation of democracy in the hemisphere; second, the restoration of human rights; and third, the end of the Haitian exodus to America's shores. To those who say that these are not U.S. vital interests, I argue to the contrary. I believe that albeit unpopular, President Clinton has made a clear and concerning case for a military presence in the wake of 3 years of failed negotiations.

Just think if we did not support democracy in the other countries, in Guatemala, Nicaragua, El Salvador, Argentina, Peru, Bolivia, and Mexico, where would we be today? We would have a difficult time in this hemisphere. There are only two countries that do not have elected democratic leaders in the southern hemisphere—Cuba and Haiti.

During debate in this Chamber last week, my Republican colleagues claimed that the President was motivated solely by a desire to bolster his sagging opinion poll numbers through a Haitian invasion. If any politics are being played in this debate, it is by the Republicans who are trying to score cheap political points. The blatant hypocrisy displayed in the 180-degree turn made by some Republicans in attempting to tie the hands of a Democratic occupant of the White House—after they argued that the hands of the last two Republican occupants should remain unfettered—is dizzying. Their clamoring for the President to come to Congress for authorization of military action was a mere technicality to the fierce defenders of Republican Presidential prerogative just a few short years ago. Perhaps they did not recall the words of Senator DOLE, the Republican leader, on December 20, 1989, during the Panama invasion:

I think my own view is the President of the United States has to make the final decision.

He also said during that debate,

*** the primary thing is not pleasing all Members of Congress, it's protecting the American lives in that area and restoring democracy. You can't please every Member of

Congress, whatever you do, though I think in this case it should be almost unanimous.

Similarly, Senator DOLE, when speaking of the failed coup attempt against Noriega said,

A good part of what went wrong * * * did not happen last weekend. It started happening many years ago when Congress first decided to start telling the President how he ought to manage a crisis.

If that is the case, I would ask my friend from Kansas why he and his colleagues continue to be telling the President how to manage the situation in Haiti.

Three years ago, then-Secretary of State Baker decried the military coup in Haiti. "This junta is illegitimate," he charged. "It has no standing in the democratic community. Until President Aristide's government is restored," Baker added, "this junta will be treated as a pariah throughout the hemisphere—without assistance, without friends, and without a future." President Clinton has begun to achieve what was sought by the Bush administration—to assist in the restoration of the legitimately elected President of Haiti and the building of democratic institutions in that country.

Mr. President, it is my hope that our military mission will bring back a democratically elected government to Haiti, that we will indeed insist on the rule of law, that we will indeed insist, if necessary, that the military in Haiti be replaced and disarmed, that we will not stand by once we have the forces in place to do what is right to ensure the transition to democracy, and to help ensure that there is no retaliation against any Haitian, including those in the political camp of Mr. Cedras, and those in political support of President Aristide or any other political party. It is time to do the right thing here and not let violence reign, and allow the transition to democracy to occur.

I thank the Chair. I thank my friend from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY] is recognized.

Mr. GRASSLEY. Thank you, Mr. President.

THE SUNSHINE IN LITIGATION ACT OF 1994

Mr. GRASSLEY. Mr. President, back in June of this year, we were debating a bill called the product liability law. We did not pass that bill because we did not have enough time or enough votes to stop the filibuster. The distinguished Senator from Wisconsin offered an amendment to that bill entitled "The Sunshine in Litigation Act of 1994."

The purpose of that amendment was to alter the requirements of rule 26(c) of the Federal Rules of Civil Procedure, with regard to the issuance of protective orders and the sealing of court records.

The effect of the amendment by Senator KOHL, in my opinion, was to severely limit the Federal courts' authority to issue protective orders, or limit access to court records. The courts would be required to make particularized findings that such orders would not restrict the disclosure of information relevant to the protection of public health and safety.

There were other limitations on the powers of the courts. But, suffice it to say, the amendment, in my judgment, constituted a major change in the Federal rules. Most significantly, it circumvented the established process contained in the Rules Enabling Act.

My remarks today are geared more toward the way that Senator KOHL's amendment circumvents a process, rather than the substance of his amendment.

As part of that process, Congress delegated to the judiciary the drafting of proposed changes to the Federal rules. The U.S. Judicial Conference first issues its proposed change—that is the way the process normally works—and then the Supreme Court either approves or rejects the proposal to amend the rule. Eventually, the proposed rules come to the Congress subject to our veto.

During the debate on Senator KOHL's amendment, I and several of my colleagues pointed out that we should not lightly disregard the process that has served us well. We emphasized in that debate that the Judicial Conference was in the process of studying the effects of protective orders to determine what if any changes needed to be made in rule 26(c).

In response to our argument, Senator KOHL stated that the Judicial Conference had been considering this matter for 4 years and had not recommended any change. And then he likened it to, in his words, "waiting for Godot." I am here to announce that Godot will soon arrive. I predicted that back during the June debate.

In a letter to Senator KOHL and other members of the Judiciary Committee dated August 25 of this year, Judge Patrick Higginbotham noted that the Advisory Committee on Civil Rules will meet on October 20-22 this year. At that meeting, they will reconsider amendments to rule 26(c) of the Federal Rules of Civil Procedure.

Judge Higginbotham stated: "It is expected that the committee will complete its work and approve amendments to rule 26(c) at its October meeting."

I ask unanimous consent that Judge Higginbotham's letter be printed in the RECORD following my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I raise this subject today because we did

discuss this in June. Senator KOHL's amendment did not go through and even the bill did not go through. But tomorrow the Subcommittee on Courts and Administrative Practices has scheduled a markup of Senator KOHL's bill to amend rule 26(c). I am ranking Republican on that subcommittee. Senator HEFLIN is the Democrat chair.

I remind my colleagues that in the 60 years since the Rules Enabling Act, Congress has never bypassed the process it set up for amending the Federal rules. That process is now almost complete. I urge my colleagues on the subcommittee, and Congress as a whole, to allow the process to continue. I think unless we do that, we set a very dangerous precedent for future amendments to the rules, and we are going to politicize the whole process needlessly. Congress does have a bite at the apple through the veto process.

I ask unanimous consent to have printed at the end of my statement a letter that I received the other day from Prof. Arthur Miller of Harvard Law School.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRASSLEY. Mr. President, I asked Professor Miller to review the proposed amendments to 26(c), and he was kind enough to respond. I will summarize his conclusions:

He strongly urges Congress to adhere to the established process of allowing the Judicial Conference to study, analyze, and ultimately recommend changes to the Federal rules.

With respect to the substance of the proposed changes to rule 26(c) offered by the Senator from Wisconsin, the professor believes that they are unnecessary, that they are counterproductive, and that they will only hinder the Federal courts in the expeditious handling of the cases that it has before them.

As one of our country's foremost scholars on civil procedure, Harvard Professor Miller's analysis merits close consideration by Members of the Senate.

EXHIBIT 1

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE OF THE JUDICIAL CONFERENCE OF THE UNITED STATES,

Washington, DC, August 25, 1994.

Hon. HERB KOHL,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KOHL: Thank you for your letter of August 11, 1994, containing revisions to and additional information on S. 1404, your bill on the disclosure of litigation materials. The Advisory Committee on Civil Rules will meet in Tucson, Arizona on October 20-22, 1994, and will reconsider proposed amendments to Rule 26(c) of the Federal Rules of Civil Procedure. The committee will have before it your letter and enclosed materials.

The preliminary draft of proposed amendments to Rule 26(c), which was published for

public comment for six months in October 1993, was deferred for further study by the committee at its April 1994 meeting. Potential problems were identified and improvements were suggested from the public and bar. The committee also believed that the results of a pending Federal Judicial Center survey of several district courts on the use of protective orders would provide helpful empirical data on current practices. We are assured that this study will be completed in September in time for the committee's consideration in October.

I emphasize that the advisory committee continues to refine the proposed amendments to address the concerns raised by the public comments and by your bill. We are studying several alternatives. It is expected that the committee will complete its work and approve amendments to Rule 26(c) at its October meeting. The Judicial Conference's Standing Committee on the Rules of Practice and Procedure is meeting on January 12-15, 1995, and we hope it will in turn send the rule on its way.

This meticulous drafting process assures the best possible rule amendment and fulfills the Congressional purpose and intent underlying the Rules Enabling Act. It ensures that all persons affected by the proposed amendments have been provided ample opportunity to express their views for the consideration of the rules committees, the Judicial Conference, and the Supreme Court. Congress will then have the benefit of the cumulative experiences of these bodies and the knowledge derived from public comments when it reviews rules amendments that have been submitted to it in accordance with the Act.

The committee is keenly interested in your views and in continuing our productive interchange. I will keep you apprised of the committee's work on this rule.

Sincerely yours,

PATRICK E. HIGGINBOTHAM.

EXHIBIT 2

HARVARD LAW SCHOOL,

Cambridge, MA, September 16, 1994.

Senator CHARLES E. GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for requesting my views on proposed legislation S. 1404 and Amendment No. 1930 to S. 687, introduced by Senator Kohl specifically to limit the use of protective orders, under Rule 26(c) of the Federal Rules of Civil Procedure, and confidentiality agreements in the federal courts. These bills touch on important societal interests, such as public access to the courts and promoting public health and safety, issues that I have studied and written on extensively in recent years.¹ However, the legislation is not likely to promote either of these laudable goals because it proceeds from an erroneous premise, which is, that protective order practice is having a deleterious effect on public welfare. In my experience, it is not.

Let me start, however, by discussing one transcendent issue that obscures all others I could discuss concerning these bills: in my view, pursuit of Senator Kohl's legislation does violence to the federal court rulemaking process that Congress itself created in Section 2072 of Title 28 of the United States Code. Under that process, Congress deferred its participation until after all of the pertinent research, analysis, and deliberation had been completed by the United States Judicial Conference, and until after

the United States Supreme Court had placed its imprimatur on, or rejected, a proposal to amend a federal rule. Senator Kohl's request for congressional action now, without the benefits that flow from adhering to the process, could compromise the quality and reliability of congressional deliberations, in addition to undermining the integrity of the rulemaking process.

One such important benefit would be the availability of hard data that will better inform the rulemaking and legislative process on this important subject. Right now the Federal Judicial Center is conducting the only empirical study undertaken to date dealing with protective orders. I understand that the results of the study, which examines actual practice in five federal district courts, will be submitted to the Advisory Committee on Civil Rules of the United States Judicial Conference by the end of this month. The Advisory Committee then will make a recommendation for action in this area at its October 20-21 meeting.

Respect for the rulemaking process and the potential value of having the results of the professional and meticulous research that will be available in a few short weeks argues persuasively in favor of deferring congressional action, at a minimum, until the Advisory Committee puts forth its final recommendation, or, more appropriately, until any proposed rule reaches Congress for review as part of the regular rulemaking process prescribed in the Rules Enabling Act.

Yet even at that juncture I would not endorse enactment of either form of the presently proposed legislation, for a variety of reasons. The promise of confidentiality is an essential tool for encouraging full disclosure and encouraging settlement in civil litigation. Its use should be left to the discretion of the federal district judges, subject to review by the federal appellate courts.

My own research, discussions with federal judges, and a review of the recent cases satisfy me that, under the current rules, if a court believes certain information should be made public, the court will deny or set aside a protective order.² Thus, the current rule formulation accomplishes the very result the proponents of the legislation purportedly want. Consequently, in my view, no legislation or amendment of Rule 26(c), is desirable or necessary.

I. RESPECT FOR THE PROCESS COUNSELS CONGRESSIONAL CAUTION

Over time, the statutorily prescribed procedure for amending the Federal Rules of Civil Procedure, set forth in the Rules Enabling Act, has been carefully crafted and refined under the painstaking direction of this very Subcommittee. Indeed, some very substantial changes were made to the rulemaking process during the last decade, increasing public participation and imposing greater structure on the deliberative process.³ Congress also has given the Judicial Conference and its research arm, the Federal Judicial Center, the necessary resources to supplement existing expertise about the courts, all in order to study the need for possible rule changes, and to craft the delicate balance essential to fairness and effectiveness. Once developed in the Advisory Committee, the proposed civil rules and rule amendments are acted on by the Judicial Conference, promulgated by the Supreme Court, and come before the House and the Senate for acceptance, amendment, or rejection.

The Rules Enabling Act vests authority in the Chief Justice of the United States to appoint members to the rulemaking commit-

tees of the Judicial Conference, specifying that members shall include sitting judges, academics, and practitioners. Over the years, the membership rosters have included distinguished jurists, noted scholars, and highly skilled senior trial attorneys, in recognition of the fact that these types of individuals are in the best position to determine whether any rule changes are appropriate, and if so, what those changes should be and whether they will work. The Committee's work is aided by the work of a Reporter, usually a recognized and respected academic who has specialized in the procedure of the federal courts.⁴

Moreover, while the public has ample opportunity to participate in the rulemaking process, in the end, an Advisory Committee decision about the content of the rules is not subject to political dynamics. The absence of special interest group pressures is of great import here, precisely because of the partisan rhetoric that has so heated the public debate on protective orders. Therefore it is of the greatest significance that the Judicial Conference, through the Advisory Committee, is taking action on the very issue that S. 1404 and Amendment No. 1930 concern. Since neutrality is a paramount attribute of the civil rules, the objective, dispassionate decisions made by the Advisory Committee should be sought and then given the greatest possible deference.

Also emphasizing the importance of following the Rules Enabling Act process are requests from both the Department of Justice and the Chairman of the Rules Advisory Committee to defer action on this legislation. The Department requested deferral to allow it to conclude its own study of the civil justice system.⁵ The Chairman of the Advisory Committee suggested that Senator Kohl defer to the rulemaking process and await the availability of the empirical data from the Federal Judicial Center study before considering what, if any, action might be appropriate,⁶ reiterating that view only last month.⁷ Action in the face of these expressions of restraint, and without reference to empirical data that will soon be available to inform the legislative process, faces a significant risk of producing legislation inconsistent with any rule that might be, or might have been, crafted through the rulemaking process. Consequently, it would be prudent to defer legislative action until the legislative process also can be informed by the facts.

II. THE LIKELY ADVERSE EFFECT OF THE LEGISLATION ON THE FEDERAL COURTS

Civil dispute resolution traditionally has been a private process, although admittedly conducted through public resources. It would be well to remember that until the Federal Rules of Civil procedure there was virtually no discovery in civil litigation—no discovery at all. Thus, any notion of public access to the private elements of civil litigation, such as discovery, is a myth. It was not even a possibility prior to the Federal Rules. As then-Judge Scalia once wrote, to accept a tradition of access to prejudgment or discovery records, "one would have to accept that the court, writing in the days before photostatic copying, envisioned the passing around of documentary exhibits . . . or the manual copying of all of them." *In re Reporters Comm. for Freedom of the Press*, 773 F.2d 1325, 1334-35 n.7 (D.C. Cir. 1985). Indeed, even as recently as 1970, litigants were required to show "good cause" in order to obtain documentary discovery from an opponent.

In the process of creating the Federal Rules; it was decided that in order to maximize the probability of resolving disputes on

¹Footnotes at the end of letter.

their merits, to reach truth and justice to avoid trial by surprise, we should give all litigants access to all relevant data. That is what discovery is—giving all litigants the ability to find out that which relates to their disputes. The writers of the rule made that process wide open to assure equal and full access to the data. However, the intended beneficiaries of those access rights were the litigants and the litigants only; the drafters of the discovery rules had no plans for increasing general public access rights, particularly as to private information.

Thus, the writers of the rules recognized that there must be a counter-balancing element to broad disclosure. If we are going to allow wide open discovery, we must protect people against abuse, against harassment, against intrusion, against loss of valuable commercial and proprietary data that may result from that process. That is what rule 26(c) is all about. The so-called secrecy order, much maligned by some, is really a privacy order.

Alteration of the protective order structure under Rule 26(c), may, in accord with the law of unintended consequences, dramatically shift the role of the federal courts in our society in a way that may not be desirable. If we alter the balance and reduce the ability of people to protect their privacy and confidentiality in civil litigation, we run the risk of very deleterious side effects in our civil justice system.

A victim of sexual harassment may forego a legitimate claim rather than face unlimited public intrusion into highly intimate aspects of her life. Corporate litigants forced to produce confidential proprietary information may resist discovery entirely, stymieing quick resolution of a dispute or an attempt to vindicate an important national policy—for example, under the antitrust or securities laws—and raising costs for all involved, including taxpayers, rather than risk disclosure of trade secrets to competitors through open court files. The courts, already strained by criminal dockets and decades-long discovery processes, would be forced to delay new, meritorious cases clamoring for resolution.

Further, this grand discovery regime operates largely on a voluntary basis, extra-judicially, so that busy federal judges can adjudicate the merits and not arbitrate petty discovery fracas. Without the voluntary aspect of discovery, we would produce enormous confrontation, protraction, and expense in the discovery process. If people could not voluntarily agree on confidentiality during discovery, which is what most protective orders are—agreements between the parties to disclose voluntarily under the assumption that the data disclosed is to be used for this case and no case or purpose other than this one—litigants would be given an incentive to engage in trench warfare not to reveal the proprietary, the important, or the private.

Both of Senator Kohl's legislative provisions would undo the voluntary nature of the current discovery system, requiring significant judicial involvement whenever privacy and confidentiality concerns arose. In S. 1404, subsection (a)(1) of proposed section 1659 would require particularized findings of fact by the judge before any protective order could issue under Rule 26(c) to keep information confidential. Amendment No. 1930, Section (b), would impose a similar requirement for particularized findings, but it also would establish a multi-step analysis and balancing process that is likely to require an evidentiary hearing to resolve. Private ordering of the discovery process, and thereby the ex-

pected exchange of information, would be impossible under either provision.

It always must be remembered that during discovery, the lawsuit, the claims of injury, and the various defenses are remarkably fluid. As discovery progresses, claims will be refined and narrowed, defenses will be winnowed or dropped altogether, and the overall lawsuit will acquire a shape that often is very different from that with which it began. During discovery there is no objective, knowable truth with regard to the ultimate merits of either side of the case. Each side relies and proceeds entirely on the basis of its allegations, which are not yet proved. Thus, it defies logic and basic fairness to penalize a litigant during this phase of litigation by mandating public disclosure of potentially irrelevant information in which a litigant may have a privacy or property interest based solely on bald, unsupported allegations. *Cowley v. Pulsifer*, 137 Mass. 392, 394 (1884) (Holmes, J.). Yet, that is what the proposed legislation apparently would require.

Both S. 1404 and Amendment No. 1930 have the potential to retard the rate of settlement of civil cases by requiring renewed findings by the judge, at the time of final judgment, in order to maintain confidentiality once the litigation has concluded. Many litigants would prefer, if they could not assure themselves of the return of their proprietary data and their private information, to fight it out rather than abandon what they believe to be very important data or to have the opportunity to tell their story in context. If we undermine the availability and effectiveness of consensual protective orders, and consequently reduce the likelihood of settlement agreements, the federal judiciary, faced with cases of enormous complexity and a criminal docket that boggles the mind, would be additionally burdened in an unacceptable way.

III. RESTRICTIONS ON PROTECTIVE ORDER PRACTICE ARE UNNECESSARY

As I suggested earlier, Senator Kohl's legislation is based on at least two entirely undemonstrated and probably erroneous beliefs. The first is that protective orders are concealing vital information from the public about defective products or environmental hazards. The second is that restricting the use of protective orders and other confidentiality devices in litigation will make information about defective products and hazards more readily available to the public. Both have been rejected repeatedly and convincingly by a number of sources over the last few years.

As for the first, there simply does not appear to be any difficulty with protective order practice in the federal courts that requires legislative intervention into a rule-making tradition—courts are not concealing information about defective products and environmental hazards in situations in which there is no other source of information available to the public. In the individual anecdotal incidents I have reviewed, information about alleged defects or hazards invariably was available to the public from a variety of sources. Often the public information, usually in the form of media stories, was available long before any litigation was even commenced.¹

Not surprisingly, the same holds true even for the anecdotes Senator Kohl used to claim that this legislation was needed. An elderly couple, the Schmidts, testified about the tragic loss of their son in 1985, which allegedly occurred because protective orders kept them from learning about a vehicle defect. According to a letter from the vehicle manu-

facturer to Senator Kohl, however, starting as early as 1977 there was a "mailing to more than 20 million owners . . . a three-day public meeting . . . a report by the General Accounting Office, a certified class action, eleven reported appellate court decisions, . . . two Congressional hearings, . . . 25 public trials," and literally hundreds of stories in the electronic and printed media.² Given this deluge of information, it strikes me as highly unlikely that the Schmidts' failure to learn about the alleged defect resulted from the use of protective orders.

But even if it did, restricting the use of protective orders in litigation does not necessarily mean that more or better information will be made available to the public. Courts are not equipped to disseminate information publicly, nor are they qualified to determine what information would be most helpful if disseminated. More to the point, however, a litigant intent on concealing proof of liability or civil wrongdoing can withhold "smoking gun" documents just as easily with or without protective orders. In fact, protective orders are entirely irrelevant to whether essential information will be produced in discovery in the first place.

In the routine case, information about an alleged harmful product or dangerous situation becomes public as soon as a lawsuit is filed, if not earlier. Initial pleadings invariably are open to the public, and when an issue of public import is involved, the plaintiff's lawyer often issues a press release describing the litigation. But focusing on the courts as a primary source of public information about matters of public health or safety ignores more appropriate sources of such information, such as administrative and executive agencies that are responsible for protecting the consuming public. If there is a dearth of public information, efforts to eliminate it would be better directed toward improving the functioning of regulatory agencies than toward the courts and protective orders.

In conclusion, in my view, the Senate should take no independent, further action on Senator Kohl's legislation at this time. Instead, deference should be given to the rulemaking process, with respect for the scholarship, legal experience, and dedication of those who make it work. The Advisory Committee's work on the protective order rule, informed by a lengthy period of public comment and empirical research data, deserves serious consideration by Congress before Congress intervenes with alternatives of its own. If I may be of further service, please do not hesitate to contact me.

Pursuant to your suggestion, I am sending a copy of this letter to Senator Howell Heflin, the Chairman of the Subcommittee.

Sincerely yours,

ARTHUR R. MILLER,
Bruce Bromley, Professor of Law.

FOOTNOTES

¹ See, e.g., Arthur R. Miller, *Confidentiality, Protective Orders, and Public Access to the Courts*, 105 Harv. L. Rev.

² See e.g., Pansy v. Borough of Stroudsburg, 23 F.3d 772 (3d Cir. 1994); *Laucaia, Inc. v. Applied Extrusion Technologies, Inc.*, 998 F.2d 157 (3d Cir. 1993); *S.E.C. v. Van Waeyenbergh*, 990 F.2d 845 (5th Cir. 1993); *Pocono Artesian Waters Co. v. Leffler Systems*, 1994 WL 26281 (E.D. Pa. 1994).

³ See, e.g., *Judicial Improvements and Access to Justice Act*, Pub. L. No. 100-702, § 403, 102 Stat. 4642 (1988); David D. Siegel, *Commentary on 1988 Revision*, Annotation to 28 U.S.C.A. § 2073 (West Supp. 1994); H.R. Rep. No. 422, 99th Cong., 1st Sess. (1985).

⁴ I have had the honor of having served at the request of Chief Justices Burger and Rehnquist as the Reporter and as a member of the Advisory Committee.

⁵See April 18, 1994, Letter to the Honorable Howell Heflin from Assistant Attorney General Sheila F. Anthony, Office of Legislative Affairs, Department of Justice.

⁶May 12, 1994, Letter to Senator Herb Kohl from Judge Patrick E. Higginbotham, Chair, Advisory Committee on Civil Rules, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

⁷August 25, 1994, Letter to Senator Herb Kohl from Judge Patrick E. Higginbotham, Chair, Advisory Committee on Civil Rules, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

⁸See, e.g., Miller, *supra* note 1, at 480-82 (discussing facts behind most common anecdotes).

⁹May 6, 1994, Letter to the Honorable Herb Kohl from Richard L. Manetta, Assistant General Counsel, Ford Motor Company.

HAITI

Mr. GRASSLEY. Mr. President, I will simply make a statement in regard to what Senator DECONCINI had to say. I am not going to take exception to anything he said. But he did say that the debate maybe has become very political. As one Republican who has spoken out against the President's actions in Haiti, I think I have some credentials to speak and have those remarks reviewed as nonpolitical, because in January 1991, when this body debated giving President Bush permission to use military action in the Persian Gulf war, I was one of only two Republicans who opposed President Bush's action because I felt that other processes should be used. I was opposing a Republican President, and I am a Republican.

I have stated that military troops in Haiti should be used when American life is in danger or when the national security interests of our country are at stake. The military should be used as a last resort, and for those reasons. I do not think Haiti is a threat to the national security of our country. And because Haiti is not a threat to the national security of our country, I do not think Haiti, from that standpoint—not the Haitian people—is worth one drop of American blood.

I feel that there is a chance, even under the more peaceful conditions under which our people have gone into Haiti, in a less militaristic environment—still in those conditions—there is threat to American life. I think we should be very cautious when we put our American troops in such a situation.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

CONFERENCE AGREEMENT ON THE URUGUAY ROUND

Mr. MOYNIHAN. Mr. President, I rise today to bring good news to the Senate on a matter of great importance. Last evening the Committee on Finance reached agreement with the House Ways and Means Committee in its con-

ference on legislation to implement the Uruguay round of Multilateral Trade Negotiations and approve the World Trade Organization. This is indeed good news for the Senate, for the President, and for the United States. To meet our international commitments, the Senate must consider the Uruguay round legislation before it adjourns this year. With this agreement, I am confident that we will do just that.

I would note, most importantly, that we have achieved a bipartisan agreement, with great assistance from the ranking member of the Finance Committee, the senior Senator from Oregon, and with the unanimous support of the Senate conferees. Matters relating to international trade continue to be handled in the best bipartisan traditions of the Finance Committee.

The Uruguay round is a momentous trade agreement, the largest, most comprehensive trade agreement in history—one that was 7 years in the making. With this agreement, foreign tariffs on U.S. manufactured exports will be cut by one-third, the largest reduction in history. Indeed, the Treasury Department estimates that the Uruguay round will reduce world tariffs by nearly \$750 million over the next 10 years. This will prove to be, in practical effect, the world's largest sales tax cut—a boon to American exporters and consumers alike.

We will have new rules to protect the intellectual property of U.S. entrepreneurs, one of the greatest strengths of this country. Trade in services, which encompasses 60 percent of our economy and 70 percent of our jobs, will for the first time be subject to internationally agreed rules. The agriculture sector will also be brought under international rules, to the great advantage of American exporters. And we also will benefit from the strengthening of dispute settlement rules, which more often work to our advantage than to our detriment.

Indeed, this agreement is historic, for with the creation of the World Trade Organization the United States finally makes good on the vision of our postwar leaders. They sought the establishment of an International Trade Organization. It was denied, by the Committee on Finance in large part. We now have the opportunity at long last to finish the work of the 1944 Bretton Woods accord. And with the World Trade Organization we will have the basis for a sounder and more prosperous world trading system.

The legislation to implement the Uruguay round, once submitted by the President, is considered under fast track procedures and is thus unamenable. But, Mr. President, I can assure the Senate that the committee has taken great care in constructing this legislation. The committee met six times in public markup sessions from mid-July to the beginning of Au-

gust. In those meetings we formulated our recommendations to the President regarding the provisions of the legislation. And between this week and last we worked to reach agreement with the Ways and Means Committee on those recommendations, just as we would with any other legislation.

The conference reached overwhelming agreement. We began with over 100 differences between our recommendations. Once we had completed our work, only four issues remained in disagreement—and on these, we agreed to disagree. None of them is essential to implement the Uruguay round. The disposition of them is important to individual Members, of course, myself included. But the conference was in complete agreement on all changes in law necessary to bring the United States into conformity with our commitments in the Uruguay round.

Mr. President, it is my expectation that President Clinton will submit this legislation to the Congress early next week. I would expect the House to act expeditiously, and hope the Senate will do likewise. I look forward to bringing this legislation to the Members of the Senate.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, perhaps a little pop quiz would be in order. How many million dollars would you say are in a trillion dollars? And when you answer that, just remember that Congress has run up a debt exceeding \$4½ trillion.

To be exact, as of the close of business Tuesday, September 20, the Federal debt stood—down to the penny—at \$4,683,866,175,111.68 meaning that every man, woman and child in America owes \$17,965.74 computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million million dollars in a trillion dollars. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than \$4½ trillion.

HONORING THE LATE HARRY NALTCHAYAN

Mr. DURENBERGER. Mr. President, man's quest to capture time has taken many forms over the ages. Over the last century, the frozen music known as photography has been a major art seeking to capture forever what once was—and thus to show us to ourselves.

Harry Naltchayan, who died last week, shared with a whole city—indeed, with the whole world—his irrepressible joy in the magic of his craft. It takes more than just pointing a camera to capture a reality for all time—you have to have an insight into people that tells you what's really important. Only if you truly understand

people can you hope to make a picture that will last—one that will have a resonance in your own heart and the hearts of others.

Harry had this gift.

From the moment I first met him 16 years ago—he asked “May I make a picture?”—I have loved Harry. I mourn his passing—and yet I know that his body of work will live forever.

I ask unanimous consent that Martha Sherrill's appreciation of Harry Naltchayan in last Saturday's Washington Post be included in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 17, 1994]

THE PHOTOGRAPHER WHO MADE US SMILE

(By Martha Sherrill)

If you went to a party with Harry, the world smiled at you. The grumpiest people. The worst people. The self-serious and pompous, the mean, the petty, the self-righteous, the overworldly, the indicted. People caught sight of Harry Naltchayan—with his elegant clothes and inelegant cameras—and their faces lifted, their shoulders relaxed. They seemed lighter, easier-going, relieved from something. They seemed able to shake off the flop-sweats of some higher office and the dreary burden of the social occasion, as though the atmosphere around Harry were made of laughing gas or ether. Harry was a tonic. He was a miracle. He generated so many good feelings he was like a proximity bomb of life and spirit and affection.

It's so unlike him to be dead.

Harry Naltchayan was best known as the ever-present society photographer for The Washington Post, in fact, the society photographer in Washington from the days when such things mattered greatly until yesterday, when he died of a heart attack. But he was also as remarkable as the people he shot.

It wasn't just Harry's camera that made people smile, or the hope that his artful pictures might grace the front of the style section the next morning, immortalizing their importance, endowing, exaggerating a moment in time, the champagne forever bubbling in flutes, the salmon forever smoked on the platter, the Scotch forever splashing in tumblers. People smiled at Harry Naltchayan because when you looked at that smile you couldn't not smile yourself.

Because, besides being blithe, debonair and beautiful, Harry Naltchayan was also a human being—a busy newsguy who always asked about your family, who cheerfully remembered the names of presidential aides four administrations away, who loved his job, who seemed to care about everybody, who never hid his feelings behind his camera, and who always tried to use the most flattering picture.

And soon enough, around Harry, important people would find themselves becoming human beings too. Around Harry, they began touching, hugging, mugging, vamping, kissing, and turning their perfectly coiffed but now slightly sweaty heads toward his camera lens. Why not be happy? It was a party! So there they were, Melvin Laird and Cap Weinberger—smiling! Jody Powell and Bud McFarlane—smiling! Mike Deaver and Ralph Nader—smiling! Nixon and Ford and Carter and Reagan and Bush and Clinton smiled too, and silly Cabinet secretaries and chiefs of staff, dusty ambassadors and Washington

waxworks, the new people, the old people, the soon to be famous and the already forgotten.

Harry was the opening act. The party reporter was the closer. One-two punch. “He had an incredible way of making people relax,” remember Sally Quinn. “For me it was great, because Harry would come in and soften them up—and then I would move in for the kill.”

I didn't come to know Harry until the summer of 1989, when we covered the 70th birthday party of Malcolm Forbes together in Morocco. I remember being somewhat in a panic, nervous and new at covering parties, new at covering anything, and mesmerized by Harry. On the plane to Tangier, I kept hearing his chuckle in the back row, kept turning around to look at him, smiling hugely, chatting it up with Mort Zuckerman and Katharine Graham, and making friends so fast I started feeling like an imposter. Who was this guy?

It was in Tangier that I came to see what Harry was all about. He looked after me. He interviewed people in all sorts of languages. He dragged me over to meet Henry Kissinger. He passed along hilarious gossip. He also bought me cigarettes, in the middle of the night, when I was on deadline.

He noticed everything, overheard everything. Harry often knew the news, and the news sources, far better than the reporters. “He could drive you crazy while you were conducting a ticklish interview by reminding the subject when last the two of them had met,” says writer Ken Ringle. “Sometimes it would break a train of questions you were trying to follow and screw things up. But other times he would prompt an on-the-record comment you could never have gotten.”

He had a continental accent, perfect manners and perpetual tan. His hair was white. His shoulders were straight and broad. It was as if he'd come from another time, another planet, a place where people treated each other like friends, like family, not mere names in the news to be ignored and discarded when the news changed.

Because nobody ever became a nobody to Harry. Sure he knew that nothing lasted, especially in Washington. But in a town where today's bigwig was tomorrow's third-rate lobbyist, Harry made friends and kept them. On one assignment, he confided to writer Elizabeth Kastor that he frequently took pictures of people with no intention of printing them—sometimes shooting away with no film in his camera.

Why?

“It makes them feel good.”

NINA SHEPHERD

Mr. SASSER. Mr. President, one of the pleasures of serving in the U.S. Congress comes in working with talented and dedicated staff. These staff people contribute so much to the effective functioning of our Government. These men and women are on the job night and day to ensure that the people's business gets done—but they receive little public recognition.

One such person, Mr. President, is CBO's analyst for veterans affairs, Nina Shepherd. Ms. Shepherd will be retiring on September 30, of this year. She will be sorely missed. Nina began working for CBO on November 21, 1976. At the time, CBO was housed in the

mouse infested FBI warehouse. Rather than finding this particularly distressing, Nina chose to befriend the mice and would leave a trash can of lettuce and other goodies for them on a nightly basis. Her pets eventually yielded to the current quarters in which CBO finds itself. While Nina still lacks a window, she does have a lovely pea green carpet and some of the finest Government-issued antiques that the taxpayers dollars can buy. All of this is simply to say that Nina has always shown a talent for making the best of things. She saw CBO through its infancy and thanks to her patience and competence, has helped give that institution the wonderful reputation it enjoys today.

The focus of Nina's hard work has been for the House and Senate Committees on Veterans' Affairs. She knows and understands the issues that face those committees. But she has also been of great assistance to the Budget Committee. The road between compassion for our veterans and Federal budgetary restraint is often a bumpy one. Nina has managed to follow that road with a level of honesty and integrity that has earned her the respect of the Congress and the Veterans Administration. Recently, for example, Nina did a major study to suggest alternatives for veterans housing programs. Some of her ideas were put to good use to save taxpayers dollars, but more importantly, her ideas are cited by Veterans Committee staff as the basis for the continued viability of these housing programs.

In addition to the high quality of her work, Ms. Shepherd brings much joy to her work. She has always been there for her colleagues, whether as a teacher or as a friend. It is true that we will miss her for her skills, her competence, and her efficiency. But just as much, we will miss those outrageous stories, that wonderful laugh and that extra bit of strength on a hard day. Nina, we wish you the best of luck. We will miss you.

Mr. DOMENICI. Mr. President, I want to join the chairman of the Budget Committee in wishing Ms. Shepherd well. She has always provided expert assistance to us on veterans issues and I know we speak for all our Budget Committee staff as well when we thank her for a job well done.

WELFARE REFORM

Mr. LAUTENBERG. Mr. President, with the end of the 103d Congress nearing, it seems clear that we will adjourn without enacting welfare reform. The administration and Senator MOYNIHAN laid a solid foundation for reforming our welfare system: One that offers support but requires people to work; one that keeps families together and encourages self-sufficiency and responsibility. These were the values I

learned growing up in a poor, immigrant home in New Jersey. Unfortunately, the erosion of these values and our inability to provide decent jobs for all our citizens have turned our welfare system into a self-perpetuating cycle.

We should make welfare reform a top priority in the next Congress. Our welfare system is a mess. It hurts those it is supposed to help. It costs too much and does too little. Instead of moving people out of poverty, it often keeps them in poverty: it encourages dependency, stifles initiative, and becomes a way of life.

More than 63 percent of all welfare recipients will be on welfare for more than 2 years throughout their lifetimes; 25 percent will be on the rolls for more than 8 years. For most of the people who get jobs and leave the rolls, employment tends to be temporary. Wages are too low and jobs are seasonal or sporadic: the net result is that after a period of employment, people return to the rolls. That is a sign of systemic failure. Welfare is no longer a temporary helping hand in difficult times. It is not achieving the goal of making people independent and self-sufficient.

Mr. President, we need to reform the welfare system to move welfare recipients into real jobs. Welfare began as a temporary, transitional program; it was supposed to be a helping hand, not a long-term income support program. The only way for welfare recipients to get a foothold in our economic and social mainstream is to get a job.

In today's economy, however, low-skilled jobs that pay an above welfare wage are not that easy to find. Ironically enough, we face a situation in which work is often not economically worthwhile: you get more on welfare than you do from a no-benefits, minimum wage job.

We need to address the health care, job training, and educational needs of welfare recipients to provide the incentives and skills to move them into the work force. We began this process in 1988 by enacting the JOBS Program in the Family Support Act, which I supported. Unfortunately, the JOBS Program was not fully funded by many States and many welfare recipients are on waiting lists—waiting to get job training and remain on the welfare rolls instead of on payrolls. Welfare recipients will leave the rolls permanently when they get a job. The way to get a good job is to have good job skills—job training and welfare go hand in hand.

Just as important is teaching the discipline and responsibility which come in a job. That is why there should be a limit in the amount of time one can be on welfare. A consensus has developed to set a time limit on welfare, after which recipients must take a job: one in the private sector if that is available, or one in the public sector if that

is the last resort. This has to be an essential element of any reform strategy.

Welfare reform should also require that parents take responsibility for their kids. Let me give you an example of what I mean. Right now, women living below the poverty level only receive 43 percent of the court-ordered child support they are supposed to get. Fathers are shifting the burden of caring for their children to the State and the taxpayers. That is unacceptable and unjustified. We must be more aggressive in tracking down noncustodial parents and making them pay child support.

Mr. President, welfare reform should move people off the welfare rolls into jobs; it should provide incentives to work and to keep families together. It should emphasize personal responsibility and initiative. If we enact universal health care, provide jobs and job training, enforce our child support law, and require work, fewer children will grow up in poverty and in single parent families. Welfare reform should steer recipients into productive jobs and help install a work ethic. Such reform can break the cycle of poverty and dependency that engulf too many of our children growing up in welfare families today.

IN MEMORY OF HARRY NALTCHAYAN

Mr. WARNER. Mr. President, I would like to take a moment to mark the passing of a longtime Virginian, a man who was known by many of us in the Congress. I am referring to the unexpected death last Friday, September 16, of Harry Naltchayan, who served for 35 years as a news photographer for the Washington Post.

Harry conducted himself as a professional—always on the alert for a telling or eye-catching photograph. His hallmark was quality, not "the trashy, sensational shot." His work, as it would appear in the next day's Washington Post, often had considerable artistry to it, too—the mark of the award-winning veteran he was.

At the same time, one would never mistake Harry for a hardened, cynical journalist. His class and his touch of Old World charm wouldn't allow it. I suspect that Harry simply loved people. Clearly they loved him, for few tried to duck out of his focal plane.

A typical encounter with him—on the White House driveway, or at a Senate stakeout, or at a black-tie social function—always involved a big smile and a big hello. It is not surprising that as the Washington Post's obituary noted, he showed a particular talent for portraits.

Mr. Naltchayan, who was of Armenian ancestry, was born and raised in Beirut. He came to the United States in 1958. As a photographer, he covered every administration since President

Eisenhower's. By the time of his death, he won the praise of his peers many times, including four first place awards from the White House News Photographers Association.

Mr. President, I appreciate this opportunity to express my condolences to Mr. Naltchayan's wife, Elizabeth of Annandale, and to his two daughters and two sons. I join many in saying we will miss Harry—the kind of person we fortunately meet in Washington, from time to time, who makes public service a richer, more rewarding and memorable experience. If Harry was there, one felt important.

TRIBUTE TO CLYDE BARBOUR

Mr. MCCONNELL. Mr. President, I rise today to recognize a brilliant Kentucky entrepreneur, Clyde Barbour, who passed away August 9, 1994. Mr. Barbour owned a chain of grocery stores in Maysville, Kentucky, and Aberdeen and Ripley, Ohio, and was involved with many other business and real estate endeavors in northern Kentucky and Ohio.

Mr. Barbour opened his first grocery store in 1960 in Maysville. He took great pride in saying his business career began at the age of 10 by hauling groceries home for customers. He was paid 10 cents per load. Today his four stores are known as Clyde's Super-Valu and are being managed by his sons.

The citizens of Maysville and the surrounding area will forever remember Mr. Barbour as a great supporter and promoter of the community. In 1983, Mr. Barbour was responsible for the first Maysville Exposition and Trade Fair. The 4-day event included appearances by several well-known performers, as well as prominent State and local officials. The purpose of the exposition was to promote Maysville's businesses and their products. More than 85,000 people came to the first event at Mr. Barbour's tobacco warehouse, and three more fairs followed.

Mr. Barbour enjoyed watching the growth of Maysville, and spent much of his time and money promoting new developments that would lead to more jobs and improved economic stability for the community. Mr. Barbour also had a hand in numerous local projects, including the Meadowview Regional Hospital, the YMCA, an industrial park, and development of a new bridge over the Ohio River.

On Friday, August 12, 1994, at a small funeral home in Maysville, friends and family gathered in great numbers to pay their last respects to Clyde Barbour. The funeral will be remembered as one of the largest in recent history. Mr. Barbour died at the age of 63 and is survived by 1 sister, 2 brothers, 2 daughters, 7 sons, and 12 grandchildren.

The citizens of Maysville are forever indebted to Clyde Barbour for his civic

involvement and his efforts to improve the region. Mr. Barbour was a friend to all of Maysville and will be missed.

Mr. President, please include my comments and the following article from the Kentucky Post in today's RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kentucky Post, Aug. 18, 1994]

NO ONE LOVED MAYSVILLE MORE THAN CLYDE BARBOUR

(By Jack Hicks)

MAYSVILLE.—Not everyone who lives in Maysville and neighboring Aberdeen, Ohio, turned out to pay their respects to Clyde Barbour.

It just seemed like they did. The scene at Trinity United Methodist Church resembled a state funeral Thursday as about 1,000 area residents passed by the casket of the popular grocer and entrepreneur.

Funeral directors said it may have been the largest crowd ever to attend a visitation in Mason County. Another large crowd is expected for the funeral today.

At times the line of mourners spilled out of the church and stretched for more than half a block. Entrance and exit lines were set up to keep the crowd moving. Flower arrangements were everywhere, overflowing into the vestibule and front porch.

"If anyone ever deserved this, he did," said Georgia Flora, a longtime friend.

The community's esteem for Barbour, who died Tuesday at age 63, was based on his record as a successful businessman, but mostly for his civic involvement and commitment to Maysville.

"You can't drive through Maysville without seeing something that he had something to do with," said Barbour's nephew, Jim Barbour.

Meadowview Regional Hospital. The YMCA. An industrial park and the beginnings of a new bridge over the Ohio River. Each one had Clyde Barbour's help one way or another.

"He was the most powerful man around here at getting something done," said Barbour's son-in-law, Bob Sapp.

David Cartmell described Barbour as "the king of promoters."

"He was the only person around here who did any promoting," Cartmell said. "He did all right for himself, and then he helped others."

Maysville City Manager Dennis Redmond said, "He was more pleased at the progress in this community than he was by his own success. I truly believe that."

Barbour was a successful businessman. He operated four supermarkets—two in Maysville and one each in Aberdeen and Ripley, Ohio—and owned or was associated with various other business and real estate endeavors.

His empire began with a little red wagon when Barbour was 12 years old.

Mildred Trisler recalls Barbour waiting outside a grocery store with the wagon and taking people's purchases home or to their cars for 25 cents. Money earned with the wagon eventually helped Barbour buy his first grocery.

Barbour drew attention to himself and to Maysville by his promotions. The best known was his Expo in 1983, when he attracted thousands of visitors to a tobacco warehouse he owned. Entertainers such as the Beach Boys and Charlie Daniels per-

formed, and business people were able to display the area's products. Three other Expos followed.

"He gave the people of this county the opportunity to see things they never had a chance to see before," said haberdasher Omer Case.

The Expos cost Barbour a great deal of money, friends and relatives said, but he felt doing something for his community was worth it.

Barbour was known as a soft touch when people were in need. When a Maysville area team was playing in a state tournament, he delighted in hosting hometown fans with lavish parties.

Other than his community and his businesses, Barbour didn't have too many hobbies. He did enjoy stock car racing, and he had tickets for a big race in Indianapolis last weekend. Too ill to attend, he watched it on television two days before his death.

"He wanted to keep going to see that race," Sapp said. "His favorite driver, Jeff Gordon won, and he said to me, 'What do you think of my boy?'"

With his stores, promotions and up-front efforts for the community, Barbour was one of the Maysville area's most familiar figures.

"Everybody knew Clyde, and everybody is going to miss him," Jim Barbour said.

IN TRIBUTE TO JOHN BALDINI

Ms. MOSELEY-BRAUN. Mr. President, Mr. John L. Baldini, of Bloomington, IL, passed away last Monday evening, September 19, 1994. His life is one of legend in central Illinois, and it is only right to pay tribute to him here in the U.S. Senate.

After graduating from Trinity High School in 1936, John attended Illinois State Normal University. He served in the Army Air Corps in World War II from 1941 to 1945, where he met his wife, Virginia Frye, and was awarded the Croix de Guerre by the French Government for his service. He served on the Illinois State University Alumni Board for 12 years and, appropriately, recently received the Central Catholic High School Distinguished Alumni Award. The life of John Baldini is so much more than where he has been and what he has been awarded, however, it is about the way he personally touched so many people's lives.

For more than 50 years, John owned and operated the Lucca Grill, a small restaurant on the corner of Market and Main Streets in Bloomington. It is in this venerable establishment that he met, spoke, and laughed with patrons from around the State of Illinois, and from across our country who were looking to share good pizza and a cold drink in a warm and friendly atmosphere.

It is impossible to mention the name of John Baldini without mentioning his contributions to the Democratic Party. Indeed, many people in central Illinois considered John the "grand old man" of the Democratic Party, and his strong and steady support for our party throughout the years could certainly justify that moniker. He was McLean

County Democratic Party chairman for 12 years, a Democratic precinct committeeman from 1948 to 1992, and served on the Democratic State Central Committee for 12 years. He was recently honored for 50 years service to the McLean County Democratic Party.

More than anything, John influenced today's young and old politicians alike with his wise political advice. Perhaps the best way to understand his legacy to the Democratic Party is to ask the men and women of central Illinois who are involved in politics whether John Baldini influenced their lives or careers in some manner, whether he offered them keen insight or served as a role model. I am certain that nearly everyone would answer "yes."

As immersed in politics and the Democratic Party as he was, John was not a partisan man. The people who came to Lucca Grill throughout the years knew that they would always be welcome, no matter what their political affiliation. When asked about whether Lucca Grill was the Democratic bastion of central Illinois, John responded, "I never thought of it as being the Democratic headquarters. I'd look around and there'd be two Democrats at the bar and the rest of 'em are Republicans." He could argue with anyone on a political level, but at the same time have great respect for the individual. It is unfortunate that this important trait, embodied by John Baldini, is diminishing in today's political arena.

John's involvement in his community and his dedication to his family—his wife, Virginia, his son John, his two daughters, Mary Olson and Christine Briggs, his foster daughter Elaine McFarlane, and his 10 grandchildren—is a model for all of us to follow. I am sure his family, the patrons and staff at Lucca Grill, and all the rest of us who have been touched by John will miss him. However, we can be sure that our world is a better place, and that we all are better people, for having known him.

STATEMENT UNDER THE VIOLENT CRIME REDUCTION TRUST FUND

Mr. SASSER. Mr. President, on behalf of the Committee on the Budget, under section 310001(f)(2) of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, I hereby submit allocations of new budget authority and outlays for fiscal year 1995 from the violent crime reduction trust fund to the Senate Committee on Appropriations.

The Violent Crime Control and Law Enforcement Act of 1994, which the President signed into law last week, establishes a violent crime reduction trust fund. Section 310001(f) of that Act requires budget authority and outlays from the trust fund to be separated from all other budget authority and

outlays in the allocations of spending authority to the Appropriations Committees made under section 602(a) of the Congressional Budget Act of 1974.

To implement the new producers in fiscal year 1995, section 310001(f)(2) of the Violent Crime Control and Law Enforcement Act directs the chairmen of the Senate and House Budget Committees to submit revised allocations to the Appropriations Committees under section 602(a) of the Budget Act, reflecting creation of the violent crime reduction trust fund.

Section 310001(f) of the Violent Crime Control and Law Enforcement Act of 1993 states:

(f) ALLOCATION AND SUBALLOCATION OF AMOUNTS IN THE FUND.—

(1) IN GENERAL.—Section 602(a) of the Congressional Budget Act of 1974 is amended—

(A) in paragraph (1)(A) by striking "and" at the end of clause (ii), by striking the semicolon and inserting a comma at the end of clause (iii), and by adding after clause (iii) the following:

"(iv) new budget authority from the Violent Crime Reduction Trust Fund;"

(B) in paragraph (2) by striking "and" at the end of subparagraph (B) and by adding after subparagraph (C) the following:

"(D) new budget authority from the Violent Crime Reduction Trust Fund; and

"(E) outlays from the Violent Crime Reduction Trust Fund;" and

(C) by adding at the end the following new paragraph:

"(4) NO DOUBLE COUNTING.—Amounts allocated among committees under clause (iv) or (v) of paragraph (1)(A) or under subparagraph (D) or (E) of paragraph (2) shall not be included within any other allocation under that paragraph."

(2) FISCAL YEAR 1995.—The chairman of the Committee on the Budget shall submit to the House of Representatives or the Senate, as the case may be, appropriately revised allocations under clauses (iv) and (v) of paragraph (1)(A) or subparagraphs (D) and (E) of paragraph (2) of section 602(a) of the Congressional Budget Act of 1974 for fiscal year 1995 to carry out subsection (b)(1).

The chairman of the House Budget Committee submitted allocations under this section on September 13. Those allocations appear at pages H9155 and H9156 of the CONGRESSIONAL RECORD of that date.

Accordingly, I hereby submit the following revised spending allocations to the Senate Appropriations Committee for fiscal year 1995. These allocations are identical to the allocations now in effect, except that the amounts specified by the Violent Crime Control and Law Enforcement Act have been moved from the general allocations to the new special allocations of budget authority and outlays from the violent crime reduction trust fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISED 602(a) ALLOCATIONS PURSUANT TO SECTION 310001(f) OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 (PUBLIC LAW 103-322)

[In millions of dollars]

	Budget authority	Outlays
Spending for general purposes excluding crime:		
Discretionary	\$508,736	\$540,276
Mandatory	274,185	265,398
Subtotal, general purposes	782,921	805,674
Violent Crime Reduction Trust Fund	2,423	703
Total allocations for general purposes and crime	785,344	806,377

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair announces that morning business is now closed.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Resolution 259, which the clerk will now report.

The legislative clerk read as follows:

A resolution (S. Res. 259) commending the President and the special delegation to Haiti and supporting the United States Armed Forces in Haiti.

The Senate resumed the consideration of the resolution.

The ACTING PRESIDENT pro tempore. Who yields time under the agreement?

Mr. McCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. McCAIN. Mr. President, first of all, I rise in support of the resolution. I think it is a fair one and one that is especially deserved by the participants who went to Haiti under very difficult, if not unprecedented, conditions in the face of an American invasion and came out with an agreement that prevented an invasion which would clearly have cost the lives of some young Americans and young Haitians.

I believe that this resolution commending the efforts of the President in sending them is certainly appropriate. I believe that it is important that we express our support for the men and women of the United States Armed Forces in Haiti. We know that we can

count on them to perform their duties with professional excellence and dedicated patriotism.

We also support the departure from power of the de facto Government in Haiti and the Haitian efforts to achieve national reconciliation, democracy, and rule of law.

Also it supports lifting without delay United States unilateral economic sanctions on Haiti and lifting without delay economic sanctions imposed pursuant to U.N. resolutions in accordance with such resolutions and, perhaps most importantly, a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

Mr. President, I want to point out again that all of us are deeply appreciative of the efforts of President Clinton in sending that very impressive delegation to Haiti, and we enormously appreciate the fact that an invasion was prevented.

I do not claim to have greater or even lesser, for that matter, an intelligence quotient than the other Members of this body or members of the administration, but I have been clear in my opposition to this now occupation of Haiti. One of the arguments that I used for the past several months when this possibility became a likelihood and then became a reality was that we would have enormous difficulty in figuring out exactly what the role of the men and women of the U.S. Armed Forces mission was and is.

Mr. President, I refer to this morning's two leading national newspapers. There is the Washington Post headline "Haitian Police Attack Crowd; U.S. Troops Watch"—U.S. troops watch—and the New York Times headline "Haitian Police Crush Rally as American Troops Watch."

This morning I watched the American general, General Shelton, on television, who told the American people in response to a question from the ABC news anchor that he would "talk to General Cedras about this today," he would talk to General Cedras about this problem today, and he will await orders and instructions from our Government as to what the U.S. military role is in its attempt to prevent this kind of bloodshed.

Mr. President, we are placing our military people basically in an untenable position because if we go out and disarm the police and the militia there—and I understand we have now a wonderful buyback program that was articulated by the Chairman of the Joint Chiefs of Staff yesterday—then what is to prevent the pro-Aristide mobs from engaging in retribution against the police, and how do our young men and women in the military differentiate between those who are causing problems and those who are defending themselves?

The fact is what we are about to see is a classic example of what we call

"mission creep" because, obviously, the American people are outraged to see—not to mention soldiers themselves—and to sit there and observe a couple of people being brutally murdered before their very eyes and them under instructions not able to do anything about it.

Mr. President, we are in a serious situation. We are in a situation again not unlike Somalia where clearly there are no instructions to our men and women in the military which have any meaning unless we intend to get into the business of policing Haiti, which I think is a daunting, if not impossible, task.

Let me say a few words about President Aristide. This morning and last night there has been I think justified complaints that President Aristide has not expressed his gratitude. In fact, the silence from President Aristide himself has been almost deafening and in light of the fact that the American people and Members of Congress believed that this entire effort was made on his behalf with the expenditure of American blood and treasure and he has failed to express one word of appreciation for that.

I believe that Mr. Aristide is ungrateful. I believe he should come out and express his appreciation for what is being done on his behalf. But I also would point out that Mr. Aristide was not in on the details of the Carter mission and I think it is somewhat understandable that he should express or feel some displeasure over certain portions of the agreement, including the failure to force Cedras and company from the country, including perhaps most importantly, the declaration that a general amnesty will be declared.

I certainly do believe that Mr. Aristide's task will be dramatically complicated if the military leaders, Cedras, et al., are allowed to remain in Haiti and, of course, if there is a general amnesty, it will be somewhat difficult to call to account those who have engaged in the heinous and barbaric crimes which the President of the United States described so graphically to the American people the other night.

Mr. President, I, like all Americans, support this resolution. We support the efforts that President Carter, Senator NUNN, and General Powell made that prevented an invasion. But I would also suggest and remind my colleagues that if there had been an invasion, I and others predicted that it would be very easy and there would be a minimal loss of life although there would have been a loss of life and every single life is precious, but at least if there had been an all-out military invasion, we would have clearly defined who the enemy was and is. It would have been people who were wearing the uniform of the de facto Haitian Government Army and police. Instead we now find ourselves in

the rather bizarre situation when General Shelton was asked on television what he intended to do about the brutalities that have continued to be perpetrated by the Haitian police and military, he said he was going to talk to General Cedras about it.

It is almost surreal that the individual that was described by the President of the United States to the American people as one of the most heinous butchers, war criminals, in the history of this hemisphere now is going to be consulted by our military leaders in order to try to bring about a halt to this mob violence.

Now, again, I want to return to my fundamental point. I do not know how you disarm all these Haitians. I do not know how you defuse the blood feuds that have been going on for centuries. I do not know how we take sides in this civil unrest that will be part and parcel of this transitional period.

The best scenario, obviously, is that everybody lays down their arms and everybody heeds the words of President Aristide at the White House the other day—no vengeance, no revenge. I do not think that is the case. And the ultimate result of all of this is that the American military, not unlike Somalia, only exaggerated by many factors, find themselves in the classic problem of mission creep and intervening in what is fundamentally a civil disorder without, frankly, the wherewithal but more importantly the ability to discriminate between who is good and who is bad and who is committing what atrocities and who is not.

Along those lines of human rights abuses, I have asked the White House and the State Department to give us information concerning Mr. Cherubin, who is now in Guantanamo recruiting Haitians to be part of the new Haitian police force. There are allegations that that individual had engaged in human rights violations. There are allegations which are well-known to this body concerning President Aristide.

The fact is that we need to know whether there is going to be true observance of human rights by the new Aristide regime or will there be a return to some of the activities, which are well documented outside the CIA, of abuses that took place under President Aristide's administration.

I predict, Mr. President, that Mr. Aristide, sometime within the next 24 to 48 hours, will come out in support of what is being done—I do not think he has any choice—what has been done by the Carter mission. I do not think he has any choice. I think his \$50,000 a month lobbyist, Mr. Michael Barnes, former Member of Congress, will prevail on him to do so. And I think that that is appropriate. In fact, it is way too late.

I think the American people do not understand why President Aristide has not already extended his gratitude. At

the same time, although I think he should express gratitude, I can understand some of his reservations about the agreement that was made.

I would also like to point out one other aspect of this whole situation which again borders on Orwellian. We are now occupying a country with 15,000 American troops. At the same time, we are maintaining an embargo which clearly hurts all Haitians, especially poor Haitians. Why in the world we cannot lift this embargo, which was part of the agreement that President Carter made with the military leaders, present military leaders of Haiti, is beyond me.

I also watched a television program last night where Haitian human rights activists and another individual, in fact, Mr. Barnes, the lobbyist for President Aristide, said there would be no amnesty in Haiti; that the Parliament would not pass such an amnesty decree because of the feelings that the Parliament understandably would have about the human rights violations and the gross abuses that have been perpetrated by the Cedras' regime.

So there is a lot that is unclear, Mr. President. There is a great deal of confusion. This whole situation is incredibly murky, especially as to what the exact mission of the men and women of our Armed Forces is in Haiti. We have seen that clearly and graphically demonstrated by the headlines in this morning's Washington Post and New York Times and other media reports. And, Mr. President, what it argues for is an early withdrawal of the United States troops from Haiti.

Right now, I understand the plan is they would stay until February 1996 and then a multinational force would take over, and half that contingent would be American military people, only it would be a U.N. military force rather than U.S.

Mr. President, the American people's patience is not that great. I would suggest that within the next week or two, at least before we go out of session, that the United States Senate consider, in conjunction with the administration, in cooperation with the administration, a resolution calling for a date certain for the withdrawal of the United States troops from Haiti. I look forward to doing that with the cooperation of the President of the United States and the Secretary of State. But I think that this body would pass a resolution calling for a date certain for withdrawal of U.S. troops with or without the agreement of the administration.

Mr. President, I note the presence of my friend from Connecticut and I yield the floor at this time.

The ACTING PRESIDENT pro tempore. The Senator yields the floor.

The Chair recognizes the Senator from Connecticut [Mr. DODD].

Mr. DODD. Thank you, Mr. President.

Mr. President, I yield myself such time as I may consume, and I will not take a great deal of time. I presume others would like to be heard on the resolution.

Let me, first of all, commend the distinguished majority leader and the minority leader for reaching an agreement on this resolution. These matters are never easy, and particularly given a situation where there is obviously some serious division within this Chamber, reflected, I suspected, by some serious concerns among the American people, as to exactly what is occurring in Haiti and why it is occurring and how long we are going to be there and whether or not the desired goals of all of us are going to be achieved.

So this resolution, while it may not be satisfactory to absolutely everyone, I believe, as accurately as possible, given the politics of the situation, it is about as good as we could expect and I commend them, therefore, for their efforts and will myself support this resolution.

My colleague in Arizona has stepped off the floor for a minute, but let me pick up quickly on the last point that the distinguished Senator from Arizona made about the length of time that United States forces would be committed to Haiti. While certainly no absolute date has been set, for obvious reasons, it would be a significant restraint on our ability, the ability of our forces, to function to all of the sudden be given a sort of drop-dead date by which all the things they must do must be done.

So I hope that any resolutions that deal with a time certain would certainly take into consideration the concerns of the military, our military, and their desires to get the job done. I think oftentimes, when we in this body start trying to dictate exactly how our military ought to perform and under what time constraints, we make it far more difficult for them to get the job done.

Now, as to the timing, there is, I think, a misunderstanding that should be cleared up. The discussions in the Governors Island agreement talked about forces, both United States and other forces, but primarily other forces, leaving Haiti no later than February 1996. In fact, the presence of U.S. forces by that time should be at an absolute minimum, if any, at all.

It is, I think, the anticipated goal of those who are involved in this operation today that the presence of United States forces could, if everything goes fairly well, be out of Haiti within 4 months.

The idea of February 1996 does not relate necessarily to the presence of a significant U.S. military presence. U.S. forces will, obviously, be a part of that. But I think the strong desire is to have it be a very small amount of forces, the

body and the bulk of responsibility resting with the U.N. and international forces; the bulk of U.S. forces being drawn down as quickly as possible and, as I say, as I understand it, hopefully within a 4- or 5-month, possibly 6-month, timeframe.

My colleague from Arizona, who has now returned here, is certainly someone who appreciates and understands, having been personally involved as this body a number of years ago was setting limitations on what the military could do. He will appreciate the fact I think we all want to get them out of there as quickly as possible. Ideally, they would be leaving today if it was possible to do so.

I have always been a little bit hesitant about the good intentions of this body when we start saying next Friday at 3 o'clock you have to be gone. When you let your adversaries know that, that becomes an advantage for your opponents. If they know exactly when you have to leave because you have been told to do so, that gives them an advantage I hope we would not give them. So my hope is, here, we can all agree they ought to leave as quickly as possible. Get the job done, but be careful about trying to be so restraining in those time elements that it makes it difficult for them to complete their missions.

Let me share, if I can, a few thoughts generally on this situation. I would like to join with others in, first of all, offering my significant praise for President Clinton in all of this. It is a very difficult job. It is easy enough for Members of Congress. We get up and give speeches and offer resolutions and we offer amendments and bills. Then we pack off and can go about our business—held, to some degree, responsible for the remarks we make in this Chamber and elsewhere. But the President of the United States is the Commander in Chief. The Harry Truman expression that "the buck stops here" applies to anyone who sits in that office. There is an awesome burden, an awesome burden, that anyone who has ever sat in that office assumes, when it comes to committing U.S. forces and conducting the foreign policy of this Nation. It is about as lonely a job as there is in the world, to be the President of the United States, given the fact situations you are dealing with.

It is, in my view, unfair in many ways for Members of Congress to run around and start dictating what they would do, Monday morning quarterback—this town has so many of them you could not put together a football team with anything but quarterbacks when it comes to trying to do business. Everyone will second-guess you. Everyone will tell you what you should have done. Everyone will tell you how they would have done it differently. But at the end of the day, when those decisions get made, it is the President of

the United States, certainly within the memory of everyone in this country—we have seen the immediate two predecessors of the present occupant of that office face similar situations, lonely decisions—at the end of the day it is not your advisers, it is not the Secretary of State, it is not the National Security Council, not the Speaker of the House or majority leader or chairmen of committees. They can give you their advice. They can give you their counsel. They can tell you what they think you ought to do. But at the end of the day, when the doors close and you are there, it is your pen and your decision which commits forces and makes the final choices.

At the end of that you are the one, ultimately, as the President of the United States, who bears the responsibility, who either receives the praise for a job well done or the unending criticism if it does not go well. As has been said over and over again, victories have 1,000 fathers, defeat is an orphan. If this situation had not worked out well over the last several days, believe me you would be getting a lot of different reactions about President Clinton's decisions over the past number of weeks trying to ultimately come up with some answers on how we might solve this problem.

A lot has been said about the mission that went to Haiti. I certainly commend them. But it was the President of the United States who made the tough decision to commit our forces. It was the President of the United States who made the decision to send this delegation down to try to resolve the problem diplomatically. It was a classic example of the use of power, force in one hand and diplomacy in the other. I think both of those hands contributed to the accord, or the agreement, that was reached the other night which has brought us to the position we are in today.

Awkward as it is, difficult as it is, confusing and murky as it is, with a lot of problems over the next several weeks as to how this matter will ultimately be resolved, I think General Powell said it about as well as anyone has in the last several days. As we discuss all of the various options and the difficulties and the problems, do not forget this: That on Sunday night at midnight when the decision was made to send those planes from Fort Bragg back, the lives of young Americans and the lives of young Haitians were spared and we were not involved in an aggressive military invasion, facing resistance, however anemic it may have been. I do not think anyone would stand here today and tell you that we were going to be able to do this without the loss of American lives. There was a very real and strong possibility—I would go so far, Mr. President, as to say almost a guarantee—that we would have lost young Americans in that effort. It takes a special kind of courage

to be willing to try once again to reach a diplomatic or political solution.

So, while everyone else is receiving their kudos for the great success over the last weekend, it was the President of the United States who had the power and the right to say, "No one is backing down. I have made the final call. We are sending the troops in." It was only the President who could make the decision to actually threaten the use of force, the military power, to try to deal with the situation.

I agree with my colleague from Arizona. I think a military invasion would have worked fairly easily with a minimum loss of life. You would have a different situation on the ground today. But, frankly, I would trade that for the situation on the ground today, for the result that we achieved as a result of the Carter mission, being able to come to an agreement which I think is a good one.

Again, you have to put these things in context. Would I have written it differently? Sure. Would President Aristide have written it differently? I promise you he would have. Would other people here have written something different than what these three negotiators did? I almost guarantee it. But here are three people sitting down in a chaotic situation, dealing with a military command, a head of police who would not even show up, a President who is basically a puppet, in my view, in the country, trying to get someone who would make the final call dealing with wives and children in living rooms and kitchens, in military headquarters, national palaces—all within a space of 30 hours.

They came up with an agreement that basically achieves, in my view, several very important goals and lays out a framework for us to, hopefully, achieve the others. It says that by October 15 the crowd that ripped and stole democracy—a fledgling democracy in a poor, difficult country—have to leave, have to leave power. That is not insignificant. That, in my view, is the nub, if you will. Without that commitment, then everything else would be up in the air.

Would I like them to leave? Sure. Would I like them to have left yesterday? Absolutely. But that is not the point. The point is that President Carter, Colin Powell, and SAM NUNN did the best job under the circumstances, avoided the bloodshed of young Americans and young Haitians, and achieved, in my view, a very important set of goals. So my hope is, here, as we analyze as Members of Congress and put in commas and dot i's and cross t's and want to add words and so forth, that we would step back and appreciate the circumstances they were operating under and appreciate, if I can say so, the determination and the decision by the President of the United States, the only President we have right now, this

President, making a decision, a difficult one, to send in the forces that brought the people to the table and that also sent this mission to go down one last time to achieve the desired results.

With that having been said, I can also understand why there is some disappointment that President Aristide has not jumped for joy over their effort. But I think it is important to point out that President Aristide is not just a casual bystander in all of this. He is not an academic sitting around deciding whether or not this particular agreement meets some ideal of perfection. He was the individual elected—whether anyone in this Chamber likes it or not—by 70 percent of the people in that country in the most free and most fair election ever held in that nation. He was chosen by the people of that nation. Within a few months of assuming office, assuming that Presidency, that democratic election was ripped out of the hands of the Haitian people and, in a brutal coup d'etat arranged and orchestrated by General Cedras, he was thrown out of the country.

You can describe it any way you want. You can talk about these people as being greatly concerned about the constitutional processes of Haiti. But the fact of the matter is these are the individuals who caused the problem we are facing today. Had there not been that coup we would not be in the position we are in today, I do not believe.

And so when President Aristide says that he is not enthusiastic about the possibility that General Cedras may not go, or that these individuals are being called names that he finds unbelievable—and for obvious reason—this is a man who was sitting in a room while the Haitian military sat around in his presence and decided with almost a flip of a coin whether or not he would live or die, literally debated whether or not to execute him or not while he was standing there. Is there any wonder, by any reasonable, thinking individual, that this person might be a little bit concerned about whether or not this agreement is a great one when we are sitting around and talking about an individual, General Cedras, as if he were some military hero, some reasonable, thoughtful person?

I do not fault him for that at all. I think he is more concerned, quite frankly, with a lot of the rhetoric associated with the agreement than the specific provisions of the agreement. I am confident that he will endorse it and support it, but, again, I appreciate and understand some of his reluctance.

Let me also point out, Mr. President, that President Aristide has signed other agreements with this same crowd. Back with the Governors Island accord, he put his name on a paper along with General Cedras that said General Cedras was going to leave October 15, 1993, a year ago, the very date

he is being asked to leave now. October 15 came and went, and General Cedras is still there.

Where I come from, if a person makes an agreement with me and then breaks it and then I am asked to sign another agreement with him, I am a little reluctant. I am sometimes doubtful about whether or not those individuals are going to live up to those agreements. Maybe I am unique in that regard, but I do not fault President Aristide for being, again, a little dubious about whether or not these guys are going to live up to an agreement when, frankly, the very one we negotiated with General Cedras at Governors Island a year ago was violently broken again.

So here is an individual who is the head of a coup, breaks the civilian government elected by the people of that country, violates an agreement that we helped put together at Governors Island, sits back and watches the brutalization of his own people—and if you did not believe the rhetoric before, turn on your television right now. Tune in CNN. Here they are—they do not even care if the world watches what they do—clubbing innocent people who show up merely to applaud the arrival of some people who may save their lives. So if you did not believe President Aristide about the problems in his country and human rights, turn on your local TV station.

So, again, is it any doubt that maybe this individual is a little bit concerned about whether or not this agreement with these people is something that may not quite work? I do not fault him for that. I may be the only one here who does not, but I do not fault him for that.

My hope is, again, that he will be supportive, and I am confident he will. I can tell you, Mr. President, firsthand, having spoken with him in the last couple of days, that he is deeply grateful that no one lost their life, deeply grateful that a diplomatic solution was able to be arrived at. He would have liked it to have been a bit stronger and a bit better. I do not for a second believe he is not appreciative. In fact, I can tell you that he is deeply appreciative of President Clinton's commitment to try to resolve this problem.

We have also heard that this is an issue that has little or no value to us in this country. I take issue with that. I do not disagree with my colleagues who will point out that this situation does not compare with other fact situations where the use of military force has been required. It is not as clear as having vital economic interests jeopardized, or vital strategic interests like the Panama Canal jeopardized, or where missiles or weapons have been pointed at us.

It is true Haiti does not pose a military threat to the United States, does not pose, in my view, a military threat

even to the Dominican Republic, the country with whom they share the Island of Hispaniola. But, Mr. President, I do think it ought to be a matter of deep national concern that with a nation that is within 125 miles or so of our borders, we have an absolute tidal wave of humanity prepared to pour out of that country. They are not going to Venezuela. They are not going to Colombia. They are not going to Spain or Mexico. They are coming to one place: They are coming here.

We have 100,000 refugees from Haiti and the Dominican Republic. We have 15,000 in Guantanamo. We have hundreds and thousands of others who have left over the last year or so to escape the brutality, and literally hundreds and thousands more who, every night on the island country of Haiti, move from house to house, hiding in fear because of what we saw on our television screens last evening.

If this effort collapses, if this military crowd retains power and they are able to continue the reign of terror, in my view, of the 7 million people left in this tiny country, there will be several hundred thousand who will get into any vehicle possible, including a wash tub, if necessary, to escape the violence of their land—and who could fault them—knowing full well that they face great danger and a high probability of the loss of life by getting in these rickety crafts to escape Haiti. But they cannot sit any longer and watch their families, their own lives, placed in jeopardy.

It costs us today \$20 million a month to take care of and accommodate these refugees. Expand those numbers beyond 14,000 or 15,000, and who is going to pay that bill? Maybe others do not think that is a national interest. I do. Were this nation 10,000 miles away, not posing that kind of a problem, I suppose you might try to come up with some different situation or different proposal. But the proximity of this country and the potential for literally a tidal wave, as I said, of humanity arriving on our shores, placing great pressures on limited resources in this country, I think, is a legitimate reason for us to try to take some action and do something about this problem.

I do not consider this to be an issue where there is no interest. Obviously, democracy is critically important and it is in our interest to promote and advance democracy wherever we can. That has been a stated goal of every administration as far back as I can remember, Mr. President.

I was disappointed the other day to hear some former high-ranking officials say that it is not our business to necessarily promote democracy and it is not that important to us if other nations do not have democratic governments. I think it is directly in our interest. We have been able to establish and prove that we do far better, our in-

terests are far better protected when we have nations around the globe that have embraced democratic values and have chosen democracy over totalitarianism or authoritarianism.

So it is in our direct interest to try to support and promote democratic governments wherever we can, but particularly I would say, Mr. President, in our own hemisphere, where today—I know the Presiding Officer and my colleague from Arizona, because I have heard him speak about this, take note of this fact—for the first time in the Western Hemisphere, we have more democratic governments today than at any point in the 500-year modern history of the Americas. That is not an insignificant achievement, and the previous administration, in my view, deserves a great deal of credit for helping advance the democratic gains—the Bush administration. And I think this administration is trying to advance those same principles.

Again, maybe I am considered too idealistic because I think the right of people to choose their own governments and to participate freely in the decisionmaking process of their nations is something that we ought to be willing to stand up for. I believe those rights should not be limited only to those who can afford it, or only those who live in nations where we have a strategic interest.

If you are poor, you care just as much about your right to be heard. Those people we saw yesterday being bludgeoned and shot in front of the international media, they care just as much as you and I do about whether or not they have the right to speak freely and to criticize their government and to choose their leadership.

We ought to learn that in this country. Democracy and the desire to be free is not limited by the economic conditions under which one lives. This country has a longstanding tradition of fighting for that, and we ought never be ashamed of that or embarrassed about it. I commend, again, President Clinton for living up to that tradition of his predecessors who occupied that office, despite the resounding, unfortunately, bipartisan criticism of him sitting in that Oval Office making that decision.

Some Member of this Chamber may be sitting in that office one day, and they will know what it is like to have to make those decisions. I hope that they will look back and remember that President Clinton stood alone, unfortunately—too alone, in my view—during the difficult decisionmaking process.

So, Mr. President, I hope that in the next few days and weeks, we can at least come together to try to support the stated goals of the resolution that is before us; and that is to secure the departure of this military government that is engaging in the brutality we witnessed on our television screens

over the last 24 hours. Whether you like or do not like President Aristide is not our business. The people of that country chose him. He has a right to go back and complete his term, and we ought to be supportive of that.

Does he have a perfect record? Would he get elected in Connecticut, Arizona, or Texas? I do not know. Probably not. But Haiti is not Connecticut, Arizona or Texas. It is a different place. We ought to appreciate and understand that instead of trying to decide whether or not the Haitian people were correct in selecting him. They did. And a very important element in this whole process is that he be allowed to go back.

My hope is that our military leaders there will start talking with the retired or exiled ministers, the parliamentary leaders of the civilian government elected under President Aristide, and send a very clear message that that is the legitimate Government of Haiti.

My hope is that President Aristide goes back as soon as practicable. I think it is important that he be in his country. As soon as we are told that it is safe and secure for him to go back, I think he ought to. I do not think he ought to be sitting in an apartment in Washington trying to negotiate with people in Haiti. He ought to be back in his own country trying to resolve the problem by building a coalition that would allow him to complete his term and to achieve the desired parliamentary election this fall and then the Presidential elections of next year.

I commend him, by the way, for what I thought was a brilliant speech at the White House last Friday, where he firmly committed to support the choice of a new President in Haiti in 1995. I think very appropriately and accurately he said the test of a democracy is not the first free election but the second one. I think there is a lot of merit and wisdom in that statement. And the commitment he made to that approach I think deserves repetition and support in this body.

So, Mr. President, these will not be easy days in the next few weeks. There will be a lot of pictures on our TV screens that are going to cause Americans great concern. But as you watch them, remember that these young men and women I think are our best ambassadors, our best emissaries. Those kids down there have an intuitive sense about what is right or wrong and some of them sitting on that wall last night in Port-au-Prince said it well: We ought to be given a chance to try to protect these people, to give this new government a chance to get back on its feet—the civilian government—and then to get out of the place as quickly as we can and let the international community fulfill those obligations and functions. And hopefully the establishment of a new police and new military leadership in Haiti, supporting

and backing a civilian Government chosen by the people of that country, will be achieved.

That is a tall order, but I think it is worthy of our support. I do not think we ought to duck from it. I do not think we ought to be ashamed about it. I think we ought to be proud of it. That is our tradition. That is our history. That is what makes our country, Mr. President, different from any other place on the face of this Earth. We were born in revolution. We appreciate the struggles of other people to achieve freedom. That has been our 200-year legacy. We ought not, in 1994, as we approach the 21st century, shrink from that history, shrink from that tradition, shrink from that commitment.

My hope is that this resolution will be resoundingly supported but, more importantly, in the coming days we will find common ground on this issue and get behind this President and get behind our military forces in Haiti and make it possible for them to get the job done, not to be carping, not to be sitting back and going through it detail by detail trying to tear this apart. We ought not give any comfort, any comfort whatsoever, to General Cedras and his crowd. They are the ones who created the problem. They are the ones who have to go. We ought to be sitting together finding ways to come to a common understanding and common level of support that we can all achieve to be a part of the victory that could be democracy restored in Haiti.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I consume.

I would like to begin by saying I appreciate the very articulate and passionate defense of the present policy by my friend from Connecticut, who is extremely well informed on all of these issues.

I would like to make a couple of very brief comments.

First of all, on the subject of Mr. Aristide expressing his gratitude to my colleague from Connecticut, I hope he will give him a call soon and tell him to express that same gratitude publicly because I think the American people are confused and some frustrated by the fact that President Aristide has remained silent overall at least as far as this aspect of the Haitian situation is concerned.

As far as leaving the country is concerned, President Carter said yesterday it would be a violation of international law to force General Cedras from the country. I am not familiar with that aspect of international law, but it is hard for me to understand, if General Cedras and other military leaders remain in Haiti, how we can get some kind of political stability in that country.

The statements of President Carter and Senator NUNN on the aspect of the military leaders not leaving the country were that was something they could not address, the issue of them leaving the country was not something that they could have gotten agreement on. I believe those people have to leave the country, and I think the President needs to make that clear.

As far as the President standing alone is concerned, I believe even my friend from Connecticut would agree that any President of the United States must get the support of the American people before committing us to a military enterprise.

One of the reasons why I was in strong opposition to an invasion and now the occupation is because there are many lessons that we have learned throughout history, especially in the Vietnam war, one of which is we cannot embark on one of these enterprises without the support of the American people. I feel that that support right now is extremely tenuous, and the American people are somewhat confused when they hear the President of the United States one night say that these are blood-thirsty, murdering rapists who must leave now and then they are described by others as honorable people who deserve an honorable retirement, et cetera, et cetera. The American people are understandably confused by that.

Finally, Mr. President, I hope that we will disarm the police. I hope we will not see a picture on the front page of the New York Times: A coconut vender lay in the street yesterday after a Haitian police officer clubbed him to death near the docks in Port-au-Prince. I hope that stops. I hope that General Shelton talks to General Cedras today, as he said. I hope that General Shalikashvili, Chairman of our Joint Chiefs of Staff, comes up with something more innovative than a buy-back program of weapons in Haiti.

But the problem is, who do you disarm, and what happens if you disarm that policeman? Would then the Aristide followers necklace that person? It is a murky, mission-creep situation, Mr. President, which is fraught with every kind of danger, which does not have the overwhelming support of the American people.

This situation is eerily reminiscent of the way we went into Beirut, where we were welcomed; the way we went into Somalia, where we were welcomed; yes, even the way we went into Vietnam back in 1965, and we were welcomed.

We have to complete this mission. We cannot get our men and women involved in some kind of civil strife. We have to get out as quickly as possible. One of the best ways of doing that is to clearly define our role and mission, clearly define what our American military people are supposed to be doing

and clearly define when that mission is completed, and get out as quickly as possible.

Mr. President, I yield such time as he may consume to the Senator from Texas, [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague from Arizona for yielding.

Mr. President, I would like to start by explaining the position I took as this crisis developed. I would then like then to talk about where we are and my feelings as to what we should do. I would like to talk about the problems we face and my perception of where they came from and how we might deal with them. And then I wish to say just a little bit about this sense-of-the-Senate resolution, which is basically a fig-leaf other than the final three lines.

First of all, Mr. President, I oppose American involvement in Haiti not because terrible things are not happening there and not because terrible wrongs are not being done. The world is full of wrongs. I oppose American military involvement because I do not believe that we can right every wrong in the world. When we risk the lives of our young people, when we may have to look their parents and family in the face and say your son or daughter died in a foreign land, we must be absolutely certain we can tell their loved ones what they died for. It is not enough that it be for a noble sacrifice, because when Americans are sent somewhere and serve bravely it is always a noble sacrifice. We must be absolutely certain we can say with good conscience that we changed something for the better.

As virtually every American knows, we have invaded Haiti before. We have never had trouble getting into Haiti. We have always had trouble getting out. The last time we sent in the Marines we were there for 19 years. Was anything permanently different when we left compared to before we came? I would say it is obvious that the problem we have today is living proof the answer to that is no. Invading Haiti has never been a fulfilling experience for us because, fundamentally, we have not been able to make any permanent changes there.

So I opposed the invasion. I also oppose the occupation. I never thought we were going to incur heavy casualties in the invasion because I have supreme confidence in the capability of the American military. I have always been worried that in an occupation scenario, American soldiers are going to be ready targets for terrorist violence, no matter which side the terrorists are on in this conflict. I do not believe we have a vital interest in Haiti that is worth the loss of American lives.

I am not going to get into a battle about who is right in Haiti and who is

wrong. The plain truth is, both sides look bad. We have all heard about the military atrocities. We have all heard about the terrible things done by the military dictatorship. But I remind my colleagues that in Aristide we have a person who Newsweek magazine refers to as an "anti-American Marxist demagogue." That is a quote. We have a person who calls capitalism "poison." That is a quote. We have a person who has endorsed mob violence.

Granted, he has a right as President to advocate policies he is for and to talk about policies he is against. But I am a little bit confused how the White House can talk about promoting economic development yet use American military power to reimpose into power someone who calls capitalism a "disease." If there is another path to sustained economic growth other than free enterprise and capitalism, nobody in the world has yet discovered it.

The reason I do not want to get into an argument about who is right and who is wrong in Haiti is because the discussion would be totally unproductive. The point is, no matter who is right and who is wrong, our intervention is not going to change the situation. We do not have any vital interests in Haiti, in my humble opinion, for which it would be worth risking American lives.

My primary concern today is the well-being of American service men and women in Haiti. My number one goal is to see that we protect our military personnel, that we do everything we can to assure that they have the weapons and the support they need, that we do everything we can to protect their safety, and that we bring them home as quickly as we can. That is why the last three sentences of this resolution are the only sentences that have any real meaning to me, and I suspect they are the only sentences that will have any meaning to the American people. Those sentences say that we support a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

If the American people could speak with one voice, this is what they would say.

It is proper that we congratulate our negotiating team that went to Haiti and who by talking prevented Americans from dying in an invasion. I certainly congratulate the three people who carried out that mission. Whatever we think of the agreement they made, to the degree that they saved one American life, I am not going to criticize what they did. But I think the real congratulations ought to go to the American people.

I think, quite frankly, that the real hero in this whole episode is the American public because the American public knew that President Clinton had not defined the vital national interests in Haiti. They made it very clear that

they did not support the President's policy. The American people sensed in their wisdom that the President did not have a complete plan. He had a plan to get into Haiti, but he did not have a very clear plan as to what he was going to do after he got into Haiti, and he did not have a very good plan as to how he was going to get out. I think the events of the last few days have proven once again that the American people are very wise.

I believe the President was forced to change his policy and call off the invasion and try negotiation because the American people did not support his policy. So if we are going to congratulate anybody, we ought to congratulate the American people.

In terms of refugees and the problems they have caused us, I simply would like to remind people that it was President Clinton who as a candidate made a political issue out of President Bush's policy to stop the flow of Haitian refugees by returning them home immediately. Unlike President Bush, President Clinton was going to allow them the opportunity to get into the country. Needless to say, when he took public office, what did he expect to happen?

So after President Clinton had sought political advantage by promising that he was going to stop returning Haitian refugees immediately, when he took his hand off the Bible, they started coming in record numbers. That was a crisis created by the Clinton policy. And now we are asking Americans to go to Haiti and to risk their lives to deal with a problem it seems to me the President created.

So where do we go from here? First of all, I have very grave doubts that when this whole episode is over we will be able to completely separate the good guys from the bad guys and have a happy solution.

I am going to support our troops in Haiti, and I am going to do everything I can to protect them and to bring them home as quickly as possible. I did not support the invasion. I do not support the occupation. If we stay in Haiti long enough, if we get deeply enough involved in this conflict, Americans are going to die in Haiti. We know that with certainty. Whatever we can do to hasten the day we bring our soldiers home is what I want to do. I do not want to do anything that could encourage people in Haiti who might attack or harm our people. I want to do everything I can to support our people. I want to protect them with a massive use of American military power if we have to do it. But I want to bring them home as quickly as we possibly can.

I am hopeful that the President will declare victory and bring our troops home soon, or he will soon realize that his policy was a lot more specific on how we get into Haiti than it is on what we are going to do now we are

there, and it is almost nonexistent as to how we are going to get our troops out.

This resolution says that we support a prompt and orderly withdrawal of United States Armed Forces from Haiti. I hope the President will take this resolution to heart. If the President does in Haiti what he did in Somalia, if he risks American lives in nation building, then ultimately this Congress is going to come back and we are going to set a date for withdrawal. We are not going to allow American lives to be expended in Haiti where we do not have a vital national interest if we can possibly prevent it.

So I congratulate the American people for calling off the invasion. They did it, not the politicians. They said "no," and Bill Clinton responded by sending a team of negotiators, who were able to work out an imperfect deal—maybe even an unworkable deal. But at least Americans did not die in an invasion, and since I do not believe we have an interest worth dying for there, I am happy that occurred. I wish we were not occupying Haiti. I hope the day comes quickly when we leave.

My primary interest today—and it will be until all Americans are home—is their safety. Whatever we have to do to make them safe, I want to do it. I will certainly support the President in protecting our people. But I do not support his policy.

If I vote for this resolution, I am not voting to congratulate the President for creating a crisis and then getting us knee deep into it. If I vote for this resolution, I am voting for it because of the last three lines that say: "We support a prompt and orderly withdrawal of United States Armed Forces from Haiti." I hope it comes soon, but if it does not, we will be back on the floor of the Senate, and we are going to be voting on a specific date for terminating American military involvement.

I yield the floor.

Mr. DODD. Mr. President, I yield 15 minutes to the Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. Mr. President, I thank the Senator from Connecticut for his wisdom and leadership on what I think is a very difficult question.

Mr. President, I would prefer not to put my remarks in any kind of a political party, partisan context, because I do not think the important questions before us should be viewed in that light. It is interesting that after the news came Sunday night that President Carter and the others had worked out the Port-au-Prince agreement, there were a number of questions put to me back in Minnesota, such as, "Do you think that this agreement will help the President, will it help the Democrats or hurt the Democrats in these elections?"

I actually refused to answer those questions. I said I thought they are

just the wrong questions to ask. The questions we should be dealing with on the floor of the Senate and in the House of Representatives and, more importantly, in our States and communities, are those that have to do with what will be best for American soldiers that are there in Haiti, what will best serve United States interests and the interests of the people in Haiti. Those are really the questions.

I also want to start out by following up on an issue that Senator DODD has raised because it is, for me, a very, very difficult issue that has become a central post-cold-war issue in these kinds of situations. It has to do with the following question: What do we as a nation, as a people, do when innocent people are being slaughtered in other countries, such as Rwanda, Bosnia, Haiti? Under what circumstances, if any, ought we to intervene to prevent the killing of innocent populations? There are certainly a lot of countries whose people face that kind of violence now.

Mr. President, let me answer that question the way I think most people from Minnesota would answer. They would say: Well, PAUL, it is true that innocent people are slaughtered in a lot of countries. There is a tremendous amount of brutality in the world, but we cannot intervene everywhere. I think they are right.

But then, of course, the next question is, does that mean that we do not have any involvement anywhere?

And then if you try to answer that question, well, maybe there are some times when we as a country can make a positive difference, in part through military action, the question becomes, under what conditions? In what countries, under what circumstances, and what decisionmaking criteria do you apply? In this case, one important criterion is: when we can do it successfully. By this I mean will there be a minimum, or no, loss of life, and will our military presence lead to better lives for people in other countries? Of course, other criteria apply as well, including a calculation of U.S. national interests, the costs and benefits of military action, the justice of the cause, the legitimacy of the authority by which we take action, the proportionality of force to be used, and whether we have yet truly reached a point of last resort. These and other considerations are all important, and should be examined carefully.

In relation to the situation in Haiti, I do not think these are easy questions at all. So following on the remarks of my colleague from Texas, I choose not to put this in a partisan context, to talk about whether we should or should not give President Clinton credit. I do not think that is really the issue.

Now, my position about the question of congressional authorization was—and I will always operate within this

framework, and I felt this way on the gulf war and on Somalia even when it was first a humanitarian relief operation—that it is important that the President seek the approval of Congress for military action. I have said clearly that I was disappointed that the President did not come to the Congress for that authority. I thought it was a serious mistake.

On the other hand, I would like to commend President Clinton and former President Carter and the other negotiators for their efforts. I also would like to thank our courageous and professional troops for what they are doing. I think they are in a very difficult position. Let us give credit where it is due. I think whenever there are alternatives to conflict, alternatives to going to war, alternatives to military action, we should explore those. I think that is what the President, working with former President Carter, has done.

At the same time, I do have some serious reservations about the arrangement which the President has entered into with the Haitian military dictators. I am concerned that the Haitian military will fail to honor the agreement, as they did with the Governors Island Agreement, and that it leaves the corrupt and brutal Haitian military largely intact. This question, Mr. President, must be addressed when President Aristide is restored to power.

I am also concerned that the broad amnesty the agreement provides for will likely ensure that those responsible for the brutality will go unpunished. Furthermore, the agreement leaves unanswered questions about the composition of the Haitian Parliament. Will the pro-Aristide legislators elected to office, many of whom have fled, be allowed to participate? Will they be allowed back into the country to vote on this amnesty question, which according to Haiti's Constitution can only be approved by the Parliament? Or will it be controlled by the one-third of Haitian Senators elected illegally after the coup? Are they the ones that are going to be allowed to develop the amnesty? Finally, I worry about the leaders being allowed to stay in Haiti to play a potentially disruptive and destabilizing role there.

I also worry about the civil unrest facing our troops. I am concerned that we not put them in the position of having to be just spectators to the violence that we saw yesterday, therefore losing credibility with the people of Haiti and perhaps becoming the targets of the anger of the Haitian citizenry, which assumed that when our soldiers came in, it would mean that finally repression will let up. I do think that on balance, the presence of our soldiers over the next few weeks will make a big difference in giving hope to Haitians.

The most basic problem is this: without a systematic and comprehensive

reform of Haiti's military, all our efforts to restore President Aristide, and to nurture democratic institutions there, will be fruitless. That reform must be vigorously pursued by the administration, in partnership with a new Aristide government, at the same time we are providing large scale economic reconstruction aid and other forms of support for President Aristide's new government.

I think that there are intermediate steps we can take that are prudent and responsible, and that can make a difference, in the coming weeks and months. These include immediately vetting and purging the Haitian officer corps, establishing an organ like El Salvador's Truth Commission, and prosecuting abusers under Haitian law. These are things which I think should happen in that country, which will be important ways of signaling to the Haitians that a new day is dawning there.

But for right now, the situation in Haiti is still dangerous and still unpredictable. That is crystal clear to all of us. I do not mean just all of us in the House and Senate, I mean all of us in the country.

I think that the security arrangements that are being developed now by United States forces must take into account the historic tensions between the followers of President Aristide and the Haitian military and must take into account especially the long history of brutal violations perpetrated by those forces on the population. That is critical.

Sometimes it bothers me to no end to hear some colleagues talk about the junta and President Aristide and put them in the same category, without making a fundamental distinction. This junta and their subordinates are responsible for having systematically mutilated, raped, murdered, and tortured its citizens.

For a very long time, both the security forces and the judicial system in Haiti have been under the control of a corrupt ruling elite, and we should acknowledge that as we develop our public security arrangements.

Mr. President, I also want to focus on what I think is now a most difficult and immediate question for us, and that is that our forces are there in large number, and the people in Haiti look to us to guarantee public order, look to us to make sure that innocents will be protected from indiscriminate violence.

The question is if we rely on those forces in Haiti that have such a history of brutality to assure order in Haiti, then I fear it is going to put our troops in a very difficult position. That is what we saw yesterday. I do not have clear answers to this question, but what I do know is that if our soldiers are put in the position of having to stand by and watch this repression take place, then they will begin to lose

their credibility, and I fear that could put our troops at great risk.

Mr. President, if the human rights situation matters, and is to be improved dramatically by our presence—and I think that is in part what this was all about, that was one of the main reasons President Clinton presented to the Nation for the use of military force—then we must do what we can within our mandate to assure Haitians that their fate no longer lies solely in the hands of Haiti's military.

We also, I think, must act quickly to return vastly expanded OAS and U.N. monitoring teams to Haiti, along with other independent monitors, to reassure Haitians that they are protected. In other words, I believe that the times call for a substantial presence of human rights observers as soon as possible.

Mr. President, now that we are there and this mission moves forward, I think our efforts should be guided by answers to the following questions: Who are we there to protect, from whom? What role, if any, will the U.S. forces play in disarming rogue security and paramilitary forces responsible for the bulk of violence? What role will U.N. forces coming later play? What precisely are the limits to our public order responsibilities? Are the limits clear enough to U.S. troops that are there?

I hope that our United States Commander in Haiti, General Shelton, will be crystal clear with General Cedras that the kind of violence we saw yesterday being perpetrated on civilian supporters of Aristide is totally unacceptable, and will urge him to act forcefully to stop it.

On the resolution itself, I view it as a general expression of support for U.S. troops there, and an effort to commend the President for peacefully resolving this crisis. I have some concerns that we should not end the embargo, especially the freezing of visas and assets, until after President Aristide is restored to power. I understand the administration will likely lift the economic sanctions in a phased, deliberate way. Finally, I continue to believe that, as we move forward, we must vote up or down on legislation that actually authorizes the deployment of U.S. troops, because I think that is the very essence of the way our system operates. Our system of checks and balances, and the democratic accountability it ensures, demands it.

I will always believe when the U.S. soldiers are to be involved in military action, and they are either in harm's way or potentially could be in harm's way, the way our system of checks and balances works is that we here in Congress, Democrats and Republicans alike, should vote and should be accountable. So I certainly would express my support for Senator FEINGOLD's approach as well.

Mr. President, there are some other steps that I think we could take to improve the situation in Haiti now. I hope that some screening of local police forces is taking place right now because what we saw last night was a very, very ugly picture. I certainly think that with information provided to the United States from the former OAS and U.N. human rights monitors and other sources we can do some prescreening of Haitian police to identify and purge the worst of the lot. I think that would help and that would be a confidence-building measure.

Mr. President, I believe, with the exception of a concern I have about the timing on lifting the economic sanctions, that I will vote for this resolution. I do not think this is an easy question. I am concerned about the position that our soldiers are in, and I am, in particular, concerned about our soldiers losing some credibility with many of the people in Haiti if, in fact, they are put in a position of having to stand by and simply watch this repression take place.

I am not advocating that they should be directly involved in the public order mission within Haiti but, by the same token, I believe some intermediate steps have to be taken in order to not put them in this position.

I worry about the next 3 weeks. I worry about the next 3 weeks because I think if the kind of repression we saw yesterday continues, our troops will face serious problems. As I understand this mission, it is an effort to restore President Aristide to office, to begin to build democracy in that country, and to do it without having to go in and knock the door down to do it, without having to have a massive military intervention. But we are now on the ground there militarily. And I think we must vote eventually to authorize that. I will support Senator FEINGOLD and others in an effort to ensure such a vote. And I will hope, Mr. President, for the very best, the very best for our soldiers, and the very best for people in Haiti as well.

Again, Mr. President, I hope that some of the steps that I have outlined will be acted upon by the administration. We simply have to figure out ways and be decisive in such a way that, on the one hand, we do not involve our soldiers directly in every single kind of civil conflict that now takes place in that country but, on the other hand, we do not put them in the position of having to be just spectators to this violence that we saw yesterday, therefore losing credibility with the people in Haiti and becoming the targets of the anger of the Haitian citizenry, which assumed that when our soldiers came in, it would mean that finally repression will let up.

I think the sooner President Aristide is back and the sooner we move toward building democracy in that country,

the better off the people of Haiti will be and the better off we will be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Chair. I will just speak very briefly on the issue of Haiti.

Last week we left the Chamber to permit the observance of Yom Kippur and left in a time of uncertainty and concern. We did not know whether American troops would be fired upon. We did not know what would happen before we again convened.

We knew, I think, that we would invade. That was rather troubling to me personally and to many on my side of the aisle who together urged the Chamber to debate this issue in full and to pronounce the sentiments of the Senate.

We were frustrated in that aim. We were permitted a lengthy debate on the subject last Wednesday but were unable to bring the measure to a vote.

So, it was with great relief that we returned and I came back from my native State of Wyoming to find that American soldiers, sailors, airmen, and airwomen had been, although on the way to Haiti, were being removed from the role of aggressor and received as peacekeepers and not attacked as a hostile invasion force. And this Senator wishes to give appropriate credit to President Clinton, President Carter, and SAM NUNN, our wonderful, respected colleague, and Colin Powell, a splendid American, for their work in bringing that about.

But, I think the events of the past week amply demonstrated that Republican concerns were well-founded. The aircraft were in the air when the agreement was reached. There is discussion about whether that was helpful or not. Conflict was averted at the last instant, when President Carter and his team persisted for a longer period than previously planned, in order to prevent a direct confrontation.

It was a pretty close-run thing. And whatever appropriate credit is due to the President and the negotiating team, that came close to turning out much differently. Their exertions could easily have been undertaken with just as much skill, and just as much diligence, and yet events could have turned out far less fortuitously.

So I urge my colleagues to remember that as we consider the pending motion. I, of course, just as my colleagues do, fully and unreservedly support voicing our full approval for the devotion and skill of the American forces in Haiti.

I further understand the impulse that we should strive to voice commendations and praise here for the work accomplished by the President. He certainly has had his share of criticism for his Haitian policy to date, and it must be a relief to be able to seek and receive some expression of approval at long last.

Of course, I note there was far less enthusiasm from the administration and from the majority party for bringing Haitian issues to a vote in this Chamber last week. Now that things seem to be turning out at least a little better thus far, votes on Haiti are popular again. Had an invasion begun, and casualties been suffered, I expect that the enthusiasm to bring Haiti resolutions to the floor might have been greatly diminished.

Which brings me to some personal reservations about this particular vote. It is certainly in the rich tradition of "senses-of-the-Senate" or "senses-of-the-Congress"—and we have all seen these over the years. They are often offered, I hasten to add, by both majority and minority Senators with great frequency and zeal. We are in the giddy habit of passing unobjectionable "senses-of-the-Senate" by votes of 95 to 5 or 97 to 3 around this place. The language is usually carefully and artfully drawn so as to be uncontroversial, and to be "difficult to vote against." The key, or course, is that.

And so we pass these resolutions, certifying our support for one group's "right of self-determination," or saluting the admittedly fine performance of American soldiers, sailors, and airmen and women, or decrying another's "history of oppression" or asserting the need to respect this or that group's "minority rights" and on and on and on. And then we have distinguished foreign visitors come into our offices or we go there to visit them, and they say, "What in the wide world were you thinking when you passed Resolution X by a 95-to-5 vote? Don't you know this creates a serious problem for us, and that our parliament is watching these votes occur in the U.S. Senate and the Congress and we are deeply affected and disturbed by it? We just don't understand 'why'."

And then the process continues—a foreign policy issue comes before the Senate, and debate commences, and then the proponents of one side or the other haul out the old "sense-of-the-Senate" vote and say—"remember when we passed this measure 95 to 5? Now you are committed to taking the next logical step by voting for our splendid resolution." And we become prisoners of our own past votes.

It pleases me—and I mean this sincerely—there is no such preconceived agenda here in this instance. But as we vote to commend that Haiti action here today, I do want to sound the cautionary note. Things may get progressively more difficult in Haiti in the coming weeks and months. I deeply hope that we do not, but they could and I think they will. At that time, I expect we will hear, "Aha, where were Republicans when we were endorsing the action in mid-September? If they had concerns, why did they not voice them then?"

So I am voicing them now. We still have many questions to answer regarding the duration and nature of the mission in Haiti. I have indicated I would commend, and did, the President and the three-member delegation for what has been accomplished to date. But this is not in any way my "blank check" of approval for every "nation-building" activity in the months to come.

I trust that the record will show that this Senator is most pleased and honored to support our troops and to approve the actions taken to date. This Senator is furthermore richly pleased to help to convey the supportive unity of all Americans who are fully behind our troops now that they may find themselves in harm's way. This Senator will work to guarantee that support by ensuring that our soldiers have whatever they need in the way of funding in order to defend themselves and to accomplish their mission once it is better defined.

At the same time, this Senator will continue to work toward finding a more proper and sensible definition of that mission, and ensure that our fine fighting men and women are not drawn into political tasks and missions that are unachievable because they are not of a military character.

That is the very least we can do, in view of the selfless devotion manifested by our armed forces in this and all other missions. As we gratefully accept their service, we must not ask them to also do the work of legislators, diplomats, and political scientists. That is our work, and I trust that my colleagues will be earnestly engaged in it in the weeks to come.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. DORGAN). Who yields time?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I wish to speak on the Haiti intervention resolution.

Mr. BAUCUS. Mr. President, I ask the Senator to yield.

Mr. NICKLES. I would be happy to.

Mr. BAUCUS. Parliamentary inquiry. Is there some understanding that it be back and forth which side speaks next in the session here? I might make that inquiry.

The PRESIDING OFFICER. The Chair advises the Senator there is no such understanding.

Mr. BAUCUS. I thank the Chair.

Mr. NICKLES. I tell my friend from Montana I will not be all that long, probably 12 minutes or so.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Let me say at the outset, Mr. President, I, like all Americans, am very pleased that the Haiti invasion was not hostile. I was very concerned that we would have paratroopers jumping into Haiti and that we would have armed intervention against them; that we would have, as General Powell said, young Haitians killing young Americans and vice versa. I did not want to see that. I think that would have been a disaster. It would have been a catastrophe. It would have been fatal for a lot of young Americans. And I am really thankful that did not happen.

I compliment President Carter and Senator NUNN and General Powell for their last-minute negotiations. I think it should have happened a lot sooner. I do not think we should have been poised on the brink of an invasion. I think that was a serious mistake, but I am glad they were able to convince the leaders in Haiti to avoid the bloodshed. I hope that the bloodshed will continue to be avoided.

Mr. President, I wish to speak out strongly in opposition to our occupation of Haiti. I am not pleased by the fact that we are now going to have 15,000 American soldiers occupying Haiti for an undetermined amount of time. I am not pleased with our role. I am not pleased with the reason why they are there. I am not pleased by this administration's policy which has changed on Haiti almost on a daily basis. I am really displeased by the administration's policies that brought us to the brink of war, threatening countless American lives, in my opinion, not for U.S. military or national interests.

I noticed that President Clinton in a news conference on May 19 outlined several things of national interest dealing with Haiti. He said Haiti is in our own backyard. The United States has a million Haitian-Americans. There are several thousand Americans in Haiti.

Let me touch on that. Sure, Haiti is in our backyard, but so are Mexico and Canada, both of which have problems, but we do not invade them for the solution. Yes, we have a lot of Haitian-Americans in the United States. They are not threatened. That does not change anything. It has nothing whatever to do with invasion. An invasion does not solve any problem there. There are several thousand Americans in Haiti, and their lives have not been threatened. As a matter of fact, the potential of a military intervention or invasion probably did more to jeopardize their lives than anything. The Americans have not been subject to attack. This was not a Grenada where you had the possibility of American citizens

held in house arrest or students that were in danger. The Americans that are in Haiti have really not been threatened, and certainly there is no reason for invasion on that point.

The President also stated that drugs are coming through Haiti to the United States. If we invade every country that has drugs coming through it to the United States, our Army is going to be very busy. Haiti is not the most aggressive or not the biggest problem that we have as far as exporting drugs to the United States. We have the same problem with the Bahamas. Are we going to invade the Bahamas? We have the same problem with Mexico, with Canada, and with countless countries.

The United States faces the continuing possibility of a massive flow of Haitian immigrants to the United States. That is primarily a result of this administration's policy of a significant tightening of the embargo that made life miserable for countless Haitians—not miserable for the military junta leaders but miserable for the Haitian people. Again, that is the result of the President's past policies.

I might mention, too, the President's past statements encouraged migration from Haiti to the United States, his statements as a candidate. He just totally refuted President Bush's statements—oh, we are going to let the Haitians into the United States—and as a result of those statements as soon as the election was over the boats were being built and countless Haitians were coming to the United States.

President Clinton reversed that policy because, obviously, it was a mistake. He wisely reversed that policy and basically adopted the previous administration's policy as far as returning Haitians to Haiti. But then he changed. He changed, for political purposes, in my opinion, because Randall Robinson was on a hunger strike and the Congressional Black Caucus was putting pressure on, Jesse Jackson was putting pressure on, and so the President again changed his policy and said, oh, we are going to hasten Haitian immigration on ships and make changes there. And again the number of Haitians coming into the United States or fleeing Haiti increased and increased rather dramatically.

The President also said that, well, it is in our national interest to invade Haiti, or occupy Haiti because we are going to restore democracy. And again, Mr. President, I find that to be not a significant justification for occupying Haiti with thousands of troops for an undetermined amount of time and certainly not a significant reason for risking a military invasion—an invasion, I might mention, according to the reports and listening to former President Carter and others, that was already underway. It was happening and maybe was within 30 minutes or an hour of actually taking place and costing lives of American soldiers.

Why? To restore democracy? I question that.

I just make a couple of points. Not all elected leaders are democrats. I might mention to my colleagues that "Papa Doc" Duvalier was elected in 1957, and I think most everybody would acknowledge that he was somewhat of a tyrant, and we should not have risked the U.S. flag to have kept him in power. As a matter of fact, I think we were urging that he would not stay in power.

I think of Mr. Milosevic, the President of Serbia. I was in Yugoslavia not too far from when they were having elections. Those elections, in my opinion, were certainly not fair, certainly not the most democratic I have ever seen. But I do not think we risk lives, after they have elections, saying this is a great leader. I do not think he is. He is a tyrant. Hitler was elected at one point.

I do not think it is in the interest of the United States to risk lives to reinstate Mr. Aristide to power. I know the President during a news conference talked about 200 years ago. He was making the comparison you had countries helping us; we were a new democracy, so maybe we should help Haiti. I am thinking, well, people are almost thinking of Mr. Aristide as another George Washington.

That is not the case. People need to look at Mr. Aristide's comments—comments from 2 years ago, comments from a few days ago, comments from 3 years ago. This is a leader of Haiti who has made a lot of anti-United States comments. He has made a lot of more Marxist-type comments than you would imagine. He has made comments urging violence against his opponents, urging violence to the extent of using the practice of necklacing, which is taking a tire, filling it with gasoline and setting it on fire to murder his opponents, and talking about the sweet aroma of that smell. That speech was made in 1991—1991—not that long ago. And yet we are talking about risking U.S. lives to reinstate him into power because he was elected by a big margin. I seriously doubt it. I think that is a bad policy.

Mr. President, do not mistake my comments. I support our troops, but I want our troops to come home. I do not think our troops should be occupying Haiti. I do not think we should be risking lives, United States dollars and prestige to occupy Haiti for an undetermined amount of time.

I might add, Mr. President, I think we are going to be there for a long time. I hope that is not the case. I am pleased that the resolution we will be voting on is a very significant improvement over the original draft I have from Senator MITCHELL. It is a big improvement. It says, "supports the prompt and orderly withdrawal of all United States forces from Haiti as soon

as possible." It does not mention a timetable. I am afraid that could turn out to be a lot longer than we would like. That is not mentioned in Senator MITCHELL's original resolution. I think it needed to be mentioned.

I am concerned about United States lives in Haiti. Also, when we look at Mr. Aristide, I cannot help but tell you I am appalled by his statements that he made yesterday. We did not hear a "thank you" to the United States. We did not hear, "We are grateful for your efforts." Basically, he was condemning the agreement that President Carter and Senator NUNN and General Powell negotiated.

I also cannot help but wonder what Americans would think if they knew of the millions of dollars Mr. Aristide has been spending in the United States during his exile the last 3 years.

I have been somewhat appalled to find out that lobbyists have been making hundreds of thousands of dollars, and that is coming from the money that is Haitian money. That is money from maybe one of the poorest countries in this hemisphere, and, yet, Mr. Aristide and his lobbyist friends are doing quite well. That bothers me. Maybe it should not. Maybe I am picking up something that is not really all that relevant in the international scale. But when you find out that lobbyists are making \$55,000 a month or \$300,000 in a 3-month period—every time that is coming from the Haitian people who are making maybe a couple hundred dollars per year—that bothers me.

We are going to be risking U.S. lives to reinstate him into power? That bothers me. I think that is a serious mistake. Mr. President, I have to say that it is troubling to see that President Clinton would have the national press conference or a press statement and talk about all the evils that are going on in Haiti and how bad General Cedras is and his group. I might mention some of his comments:

They have brutalized their people, destroyed their economy; those who resisted were beaten and murdered; dictators' horrible intimidation campaign of rape, torture, mutilation; people starved; children died; thousands of Haitians fled their country and headed to the United States across dangerous seas; Cedras and his armed thugs conducted a reign of terror, executing children, raping women.

These are the President's comments.

Now I am looking at 2 days later. Now we see "General Cedras is now our partner in the governance of Haiti. For 1 month we shall be ruling Haiti together with a man Clinton assured us last week was given to executing its children, raping women, killing priests." That is from Charles Krauthammer, "Our Partner, General Cedras" in the Washington Post.

I just make the point that we are risking lives. It seems to me that the Commander in Chief, the President of

the United States was trying to whip up a real strong hysteria against General Cedras to build this up and maybe inflame the sentiments of the country in favor of an invasion that the American people did not support. The American people did not support it, and they were right.

Frankly, I think you will find the American people will not support the occupation of Haiti. They will support the troops. I support the troops. But I do not support the policy of occupying Haiti. I do not think that is worth risking U.S. lives. We are going to be confronted with a lot of difficult challenges. We will find one group fighting another group. Are we going to intervene, or are we going to stand idly by? Military forces were standing by idly and watched one or two murders happen yesterday.

How long will we be the police force? Are we going to try to have a free democracy and to hold elections? I want elections to be held. What happens if somebody tries to hold that election, if we leave, and fighting breaks out again? Are we going to send in another 10,000 troops to stop the fighting? What are we going to do if Haitians start fighting other Haitians, or if one Haitian group takes out and murders some American soldiers? I am sure we will retaliate. But I hate to put them in harm's way to really substantiate a policy that I believe is terribly, terribly flawed.

I think the President's policies have been a disaster. I hope and pray for the success and safety of our troops. I think he has put them in harm's way unnecessarily.

I strongly support the resolution that we have before us, at least the fifth point that says we support "a prompt and orderly withdrawal of all United States forces from Haiti as soon as possible."

Mr. President, I will just conclude. I do not doubt—somebody asked me earlier, they said, "Will you be offering a resolution which says they need to be out within 60 days?" That amendment or that resolution will not be offered today and probably not this year before we adjourn. But my guess is next year we will be debating and discussing a resolution which says our troops should be out within a certain period of time because it looks like they are getting bogged down in a quagmire, from which we will not be able to leave.

I hope there will be a peaceful, successful transition of power. I hope there will be no lives lost, Haitian lives nor American lives. I hope that our troops will be able to return to the United States as soon as possible.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to yield whatever time my colleague

from Montana may desire, and then, hopefully, we can also go quickly to Senator PELL, and then I believe the Senator from Colorado would follow immediately. And I gather the statements from Senator PELL and Senator BAUCUS are relatively brief.

Mr. President, I cannot resist, because people have talked about you should not do any of these things unless you have the full support of the American people. I think that is always desirable. But memory sometimes fades rather quickly.

I just went back and pulled up the poll results in the fall of 1990 prior to the decision to go into the Persian Gulf. Some of my colleagues may have forgotten this. If you look at the results, only 38 percent were in favor of going to war against Iraq in the Persian Gulf; 27 percent—here is one poll about the President's handling of the crisis, President Bush. It had fallen below 43 percent, 27 percent lower than in September.

I only bring this up because I think we had better be careful about conducting business based on polls. For those who suggest you cannot act at all unless you have the popular opinion with you on every occasion, they ought to go back and refresh their memories when it comes to some of these other crises, when President Bush acted, and depending solely on whether or not what he was doing was always popular. It was not at all.

I yield the time to the Senator from Montana.

Mr. BROWN. Will the Senator yield? The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BROWN. Mr. President, will the Senator yield on the particular point that the Senator from Connecticut made?

Mr. BAUCUS. I would be happy to yield at the conclusion of my remarks.

Mr. BROWN. I had exceeded my time prior to the comments of the distinguished Senator. I wonder if I could not answer the Senator.

Mr. BAUCUS. I would be happy to reduce my remarks, if the Senator will yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Montana was recognized and has the floor.

Mr. BAUCUS. Mr. President, I want to make a few comments on Haiti.

First of all, I think the President, along with the delegation of former President Carter, General Powell, and Senator NUNN, deserve congratulations for avoiding a violent invasion of Haiti. And the men and women of the armed services have carried out the operation, up to now, with great skill and professionalism.

I have withheld comment on Haiti over the past few days because I am reluctant to interfere with the President, and the Armed Forces as they carry out a delicate military operation.

But I see some dangerous warning signs in the events of the past few days. I want to say as clearly as I can that we should make the mission in Haiti as limited as possible. We should avoid any long-term peacekeeping presence there. We should get the troops out, as soon as possible, and let the Haitians begin to solve their own problems.

First, the man we are returning to Haiti, President Aristide, is frankly an ingrate. He is the legitimately elected President there, and he should keep his office. But we have no obligation to put American lives at risk for that purpose. We have done so. He has not said a single word of thanks. Instead, he seems angry that we avoided an invasion. It is an outrage. And it calls into question President Aristide's reliability as this mission continues.

Second, our mission in Haiti is beginning to remind me of our Lebanon adventure in the Reagan administration, and our presence in Somalia during the Bush and Clinton administrations.

When we commit troops without a clear military goal, political factions in the relevant country see it as an opportunity. As in Lebanon and Somalia, Haitian factions will use our military presence for their own purposes, ultimately to the disadvantage of both Haiti and our soldiers.

Just yesterday, some promilitary Haitian policemen beat an Aristide supporter to death in the street, with American soldiers nearby. In such a situation, our soldiers must choose between standing still and doing nothing, or involving themselves in internal Haitian political battles with unpredictable consequences for themselves personally and for our country.

Last week, before the military operation began, retired Col. Richard Kern from Livingston, MT, a man who has served in Haiti, as well as World War II, Korea, and Vietnam, sent me one of the best, most thoughtful letters I have ever received.

He said:

In recent years, we have become somewhat casual concerning the employment of U.S. forces. Military intervention once was, and should remain, a case of last resort. Today, however, we seem to consider it as a quick-fix possibility to solve a range of political and economic problems * * *. [But] military force is arbitrary and brutal, and as apt to cause harm to our own interests as to further them.

As far as Haiti goes, however, Colonel Kern goes on to say:

For all our efforts there would be no beneficial result. Haiti would still be Haiti, unchanged, and, in its particular way, defiant.

I believe Colonel Kern is right.

I am deeply troubled by what I see emerging in this mission. I have been quiet up to now, but I think we are headed in a dangerous direction, and the sooner we bring our troops home from Haiti, the better.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, over the last few days many statements have been made regarding the recent agreement with the Haitian coup leaders. Some naysayers have been quick to criticize and others are questioning details underlying the agreement. As with any agreement, issues remain unresolved and as it is carried out there inevitably will be bumps along the road. But we must not overlook what has been accomplished. President Clinton avoided bloodshed and the loss of life and accomplished—peacefully—our primary goals in Haiti. While we may wait a little longer, the democratically elected government will be returned to power and the reign of terror will end.

Even though the President had determined that the use of force was justified and the troops were ready and waiting for what would have been a relatively simple military operation, he made one last effort to seek a peaceful solution to the immediate crisis. In many ways, the current situation may be more complicated and difficult than if U.S. troops had entered by force as is often the case with diplomatic solutions. But President Clinton made the right choice. He did what the American people wanted without sacrificing our goals in Haiti.

Mr. President, I support the pending resolution and congratulate President Clinton and the special delegation for showing prudence, courage, and wisdom in Haiti.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

Mr. BROWN. Mr. President, I rise to express my concerns about our involvement in Haiti and to express my strong support for the fifth subparagraph under the "resolves" of our resolution, that which supports prompt and orderly withdrawal of United States Armed Forces from Haiti as soon as possible.

Members of both parties have come together on this resolution, and I think it is to the credit of our distinguished chairman of the Foreign Relations Committee and the leadership of both the Republican and Democratic sides that we have been able to bring forth to the Senate floor a resolution which apparently has very broad support. But I want to share a few concerns as we move forward.

Mr. President, I first comment that it would have been my intent to offer two amendments to the resolution that would appear here. First, a specific time limit, so that we were not simply talking about a prompt and orderly withdrawal of U.S. troops, but we

would set a date certain for the withdrawal.

Mr. President, my concern about that is that we will indeed be drawn into the Haitian adventure, that we may well have American men and women who serve our country there injured or killed, and that through the inevitable effort to save face, we may be willing to withdraw on a prompt schedule.

So while the commitment to have a prompt withdrawal is important and, I think, helpful, it is not as helpful as having a specific time certain. That amendment—while others prevailed on us not to offer that to this resolution—is one I believe in strongly and one which I will offer at another time before this Chamber.

Second, it had been my intention to offer the Weinberger guidelines. I intend to offer those at a later date as well.

I will summarize those quickly, and I will not take a lot of time. I will remind people of what they include. They include, first of all, that any time we are going to use U.S. forces, the commitment to combat be vital and include a decision that the cause was vital to the U.S. national interest.

Mr. President, this does not mean that we simply have a strong will for the outcome. It means that it is vital to our American interests. I think that is particularly important here, because what we are weighing is not only our interest in seeing a viable democracy in Haiti, but we are weighing it against the potential loss of American life. I believe Americans rightly believe that the cause ought to be awfully important and awfully significant for our national interest before we give up the lives of our young people.

Second, the Weinberger guidelines call for a clear, wholehearted, commitment to winning any combat. It is part and parcel, I think, of a concern I have that we may well have committed troops into Haiti without a clear mission, without a clear commitment to winning it.

Let me be specific. Presidents Kennedy, Johnson, and Nixon shared in the Vietnam responsibility. Each of those Presidents committed troops to action in Vietnam without clearly defined objectives and without a clear commitment to win.

Whether one agreed or disagreed with our efforts to preserve democracy and freedom in South Vietnam, the fact is that we were willing to send men and women to Vietnam and risk their lives and have 50,000 Americans not come home, without ever committing our country to winning that conflict.

I believe most Americans determined at the end of that conflict that it had been a mistake—not a mistake to defend freedom, but a mistake to commit our men and women to combat without a commitment to win that cause. That

is part of where the Weinberger guidelines came out of—our mistakes in Vietnam.

Clear and defined objectives were included in this as well. Of course, the final commitment in the Weinberger guidelines is that we should only commit U.S. forces to combat as a last resort.

With regard to Haiti, we have committed combat forces to Haiti, but it was not a last resort. Were there other alternatives? Yes. One alternative would have been to provide aid and assistance to Haitians that wished to free their country themselves. It is a precedent we have followed in other circumstances, and it involves our assistance to freedom fighting forces without risking U.S. military personnel. But it does help people who want to free their country.

I think it is fair to say that we did not follow the Weinberger guidelines in this. We did not do this as a last resort, but well ahead of any last resort. I think it is fair to say that the commitment of troops into Haiti does not involve clear, defined objectives, and the objectives or the timetable is not clearly defined at this point.

With regard to the vitality—being vital to our national interest—I submit that the President has not made that case.

What we have in Haiti is a failure to learn from our mistakes of the past, the mistakes of President Kennedy, President Johnson, and President Nixon in Vietnam; the mistakes of President Reagan in Lebanon where American troops were committed for what was thought to be a good cause and the guards at the gate were not given bullets in their guns to protect them. Members will recall that the terrorist truck came through the guards at the gate and the guards were unable to stop it because they had not been given bullets for their guns, and over 200 Americans lost their lives.

This is a failure to have clear objectives, a failure to make a commitment to win, a failure to look at alternatives. How many times do we have to make mistakes with the lives of young men and women before we learn our lesson? The lesson is not that we do not stand up for freedom. We do and we should. The lesson is not that given the right circumstances we do not go into combat. Given the right circumstances we should be willing to stand up for freedom.

Our successful effort to defend freedom in Kuwait is a good example. Earlier my colleague from Connecticut brought up the case of Kuwait, but what he failed to mention was in the case of Kuwait President Bush went to this Congress, a Democratically controlled Congress, and won approval of his policy before he went into combat.

I intend to offer both those amendments because I think they offer an important policy declaration that too

often can be missed. One, we ought to have clear objectives and we ought to have a commitment to win, and another that there ought to be a specific time for withdrawal.

What all of this boils down to is simply this: We should hold the men and women who serve our country in the Armed Forces in high regard. They should not be political pawns. Their safety should not be sacrificed for political purposes. Preelection specials to boost poll ratings should not involve risking the men and women of our Armed Forces. We ought to care enough about them that not only do we not use them as political pawns but before we trade away their lives we make very certain that the cause is important, that it is vital, and that we are committed to win.

If it is not important enough to commit to win, if it is not important enough to define our objectives, if it is not important enough to stand up for those principles, we should not commit the lives of our men and women.

That is what the mistakes have been in the past. In Somalia it was politically convenient to leave them in the country, expose them to the risk, but it was not politically convenient to give them the equipment and the material to defend themselves.

Some Members will say, "HANK, those are harsh words." They are absolutely true. Read the press clippings of the decision of the Defense Department when the field commanders asked for armored personnel carriers to carry out the mission that our political leaders gave them in Somalia. The decision was there might be political risks in sending armored personnel carriers over. So we traded off the interests of the men and women who served this country in favor of political interests.

That is just plain wrong. It is wrong for us to be so calloused about the lives of our men and women who serve us in the Armed Forces that we would place political considerations, political expediency, above our duty to those men and women.

That is what is involved in Haiti. It is a question of whether or not we value their lives enough to treat them with respect and to stand up for them.

Those young men and women are willing to give their lives for this country and give their lives for our freedom. They understand they may be injured or maimed or killed, and they love this country enough to face that risk and assume it and take it on. But what they do not understand is how in the world we could ask that sacrifice from them when we do not even go to the trouble of defining what the mission is. How do you get out of Haiti without setting a time limit? How do you get out of Haiti without setting clear, specific definitions of what our objectives are?

Those questions are unanswered and they remain unanswered. I believe they

represent an attitude of callous disregard for the safety of those who wear the uniform of this country. We have had enough of this. No more should we have the kind of disregard that was shown in Vietnam. No more should we have the kind of disregard that was shown in Lebanon. No more should we have the kind of disregard that was shown in Somalia.

We ought to care enough about the people who put on the uniform of this country to do our job in the Congress and do our job in administration, and that is spell out the objectives; that is stand behind them when they go into combat and make sure they are protected and, yes, in the police actions make sure there is a time to get out.

We are going to pass this resolution and perhaps some will pretend that it addresses the subject, but it does not. Underlining it is a willingness to treat in a cavalier fashion the people who wear the uniform of this country.

Mr. President, I am not going to back off from offering resolutions because I believe the Weinberger amendments deserve to be voted on. If someone thinks we should send people in combat without spelling out the mission, I want them to have a chance to stand up on the floor and have a vote taken.

If people want to expose our young men and women to the danger in Haiti without having them given a specific period of time for withdrawal, I want them to have a chance to go on record, too.

I think it is important that we understand that a primary consideration here is not just our hopes and aspirations for the people of Haiti but our commitment to the young men and women on which our freedom depends. If we ever have a generation in this country that is unwilling to risk their lives, that is unwilling to stand up for freedom, we will lose our freedom. And the surest way I know of to make sure American young men and women are unwilling to stand up for that freedom is to treat them as we have done in the recent years.

If we do not meet our obligations to the young people who serve this country, how can we ask them to meet their obligations to us?

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I congratulate the Senator from Colorado on his very powerful and, I think, informative remarks about the problem of defining the role and mission of the young men and women who are serving in Haiti. Everyone supports those young men and women.

I think he points out very graphically that we also have an obligation to those young men and women that we provide them with a clear-cut mission, clear-cut rules of engagement so we are

not treated to pictures such as we saw on the front page of the New York Times today and the Washington Post of Haitians being murdered and American fighting men and women standing by.

Mr. President, I rise again because my friend from Connecticut stated in his remarks about public opinion, that only 38 percent of the American people supported President Bush's effort in the Persian Gulf, this Nation's effort led by President Bush. The Senator from Connecticut was correct. He just was not in context, because the fact is that only 38 percent of the American people did support our involvement in the Persian Gulf war initially, which reflected the well-known skepticism and caution that is a trademark of the American people considering involving ourselves militarily overseas. But there is a huge difference. I tried to point it out in my remarks earlier today.

President Clinton basically was prepared to invade Haiti without the support of the Congress and the American people, in fact without even consulting Congress. It is well known what I tried to do last week to get an expression of the sense of the Senate either to approve or disapprove of our involvement there. That was blocked, as we all know.

The difference is that when President Bush was faced with these numbers he went to our allies around the world. He spoke to the American people. He submitted to this body and the other body for debate and discussion an authorization which in the view of some was described as this Senate's finest hour, the debate that took place on the Persian Gulf war resolution, and he built public opinion so that, as I hope my colleague from Connecticut will understand. On a poll published on January 14, 1991, in Newsweek: "Do you think U.S. forces should engage in combat with Iraq if Iraq refuses to leave Kuwait and restore its former government?" 61 percent, yes; 29 percent, no. The Washington Post-ABC poll, January 6, 1991: "If Iraq does not withdraw from Kuwait, should the United States go to war with Iraq to force it out of Kuwait?" 63 Percent, yes; 32 percent, no.

So, I hope my friend from Connecticut remembers that, yes, initially only 38 percent of the American people supported going into Kuwait and the Persian Gulf but at the end of the day before military operations started President Bush had gone to the American people, which is what President Clinton has not done, and I repeat and I repeated it 25 times on the floor of the Senate: You do not go to war without the support of the American people. We found that out in Vietnam. Otherwise, it is doomed to failure, the great lesson of the Vietnam war with which most of us, I believe, are clearly in agreement.

So what should President Clinton have done and what should he do now?

He should make a case to the American people, and one of the ways, of course, would be an authorizing resolution. There are a number of ways that he could do so. We cannot construe U.N. approval for approval of the U.S. Congress. We cannot substitute the U.N. Security Council resolution for the approval of the Congress of the United States and people.

I want to make clear again that I do not believe constitutionally the President is required to do so.

I do not believe that. That is a debate that goes on amongst constitutional scholars. But what I do believe is that you need the support of the American people. And how do you get it? Go to their elected representatives and have a debate and have a resolution.

I think that is clearly the way, an integral way, in which President Bush was able to change public opinion from only 38 percent support, when the invasion first took place of Kuwait by Iraq, to January 1991, when, by two separate polls, 61 percent of the American people supported and in another one the 63 percent of the American people supported. I think we should not ignore that.

Mr. President, I see no speakers on the floor at this time. So, at this time, I suggest the absence of the quorum.

The PRESIDING OFFICER. Would the Senator suggest that the time be equally divided?

Mr. MCCAIN. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The absence of a quorum is noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. SPECTER. Mr. President, I support the resolution offered by Senator MITCHELL and Senator DOLE on Haiti, with two explicit reservations. One is on the length of time that United States military personnel will be committed to Haiti. And, second, what will be the resolution of the status of General Cedras and the others of the Haitian military junta who have seized control from the duly elected President of Haiti.

I believe the first resolution clause commending the efforts of the President in sending former President Jimmy Carter, retired Gen. Colin Powell, and Senator SAM NUNN, to Haiti in an effort to avoid the loss of American lives is well founded. I congratulate former President Carter and General Powell and Senator NUNN for the results which they have achieved. I also commend the President for thinking of that as a last-ditch effort to avoid the loss of U.S. lives on that invasion.

As I said on a number of occasions on the Senate floor, I was opposed to an invasion of Haiti. I thought that prior to any such order by the President of the United States it was incumbent, under the Constitution, that authorization be obtained from the Congress of the United States. The President chose not to follow that. I still believe as a matter of constitutional law it would have been a very, very unwise precedent. But I think the President was wise in taking up former President Carter's offer to have the mission go to try to avoid a forceful invasion of Haiti.

I do think that from time to time, as a political matter, some on the Republican side of the aisle are a little overly reluctant to commend the President. I think commendation is in order for him on this particular line. I have found that frequently there is more approval of the person who is offering the compliment than those who receive the compliment. I think it is important, as a bipartisan matter, that we stand together on issues of foreign policy to the maximum extent that we can. But I do not like the implicit part of this approach which has an open-ended status for American personnel in Haiti.

American fighting men and women are not trained as policemen. When people describe this as a police operation, in an effort to analogize it to Korea, in an effort to avoid the necessity for the Congress to have a formal declaration of war, they misstate the nature of the mission of the American military personnel. That is not to be policemen. We have military police and they are trained as policemen. But it is not the job of U.S. fighting forces to undertake a police operation.

As we look at this from September 19, the day before yesterday, and look into the future, I believe there ought to be some limitation as to how long that police operation is going to last, and there ought to be a specification as to what other nations are to contribute. When there is talk about the police operation lasting as long as until January 1996, until after the next Haitian elections, I think that is too long.

There was a great deal of talk in advance about a United Nations operation with as many as 20 or more nations participating, and the talk was some 1,500 or perhaps 2,000—really the number is as yet undetermined. The United Nations force was specifically excluded from the first line of attack. I, frankly, did not like that, that it was only U.S. military personnel who were going to bear the risk of invasion. But now that specific risk has been avoided, although there continues to be substantial risk to American personnel in being in Haiti.

We see the reports of yesterday's activities. American soldiers stood by while Haitian police put down a demonstration. It is going to be a tough as-

signment, being in Haiti—perhaps not as tough an assignment as being in some areas of some of the big cities of America, but our personnel will be at risk in being there. And when the resolution says in the last paragraph that the Senate "supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible," I would like to see some specification on when that date will be, and some specification on what the number will be in comparison with contribution by others in the United Nations. I think the Senate and the House, the Congress of the United States, is entitled to that information as promptly as possible. I understand it cannot be forthcoming by today. There is utility in having the backing of the Congress behind our forces. But we ought to know that as soon as possible.

When the resolution says that the Senate "supports the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy, and the rule of law," I do support that. But more is left unsaid than is said, because what is going to happen to General Cedras and his coconspirators? It is an unfortunate, unhappy, and unacceptable consequence that General Cedras stays there until October 15, and that he may remain there as a political force to undermine the legally constituted authorities in Haiti, and that he may in fact run for the Presidency. We know that General Cedras made a promise before to give up power and that he broke that promise, so his commitments are not exactly things to be relied upon.

When we had a briefing of the Senate, I raised the question with the Secretary of State as to what his future was going to be. I got a reply that it was up to the Haitian Government.

General Cedras has negotiated for amnesty and I do not begrudge him immunity from prosecution. I do not like it, but I understand the nature of that plea bargain. But we do not have a Parliament in Haiti now which is constituted which can get that done. The Parliament is scattered. Some are said to be in Florida, fearing for their lives. So I am prepared to see him avoid prosecution in order to get him out of power. But I think it is really unacceptable to see him staying in Haiti and seeing him with the possibility of contributing to political instability there and perhaps running for elective office.

So in reviewing this resolution, as it sets forth the whereas clauses very briefly on one side of a small sheet of paper, and has the resolved clauses on the other, I do support it with those specific reservations. But more is unsaid in this resolution than is said in this resolution, and until we know definitively how long United States forces are going to be called upon to

stay in Haiti and what our proportional contribution will be with others in the United Nations, this resolution is insufficient on its face. Until we know more about the future of General Cedras and what the expectations will be about his ability to undermine democracy in Haiti, again, the resolution is insufficient.

But this is a much better day, Mr. President, than last Wednesday when, at this hour, we were on the floor of the Senate urging a vote on a sense-of-the-Senate resolution opposing an invasion of Haiti. At least today we do not look forward to a forceful invasion and the real risk of loss of life and limb of American personnel. So that is a step forward, but there are very many important questions to be answered. But as of today, I am glad to lend my support to the resolution which has been offered by Senator MITCHELL for the majority and Senator DOLE for the Republicans.

I thank the Chair and, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator intend that the time be deducted from both sides equally?

Mr. SPECTER. I do.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. GREGG. Thank you, Mr. President.

Mr. President, as many of the speakers today have noted, the resolution which is before the Senate is a resolution which has been agreed to by the leadership of both sides. I, therefore, intend to support it. But I do feel that before we proceed on voting on the issue of Haiti relative to this resolution that we need to address, once again, the question of what is our purpose there and why we are in this situation.

As of this date, unfortunately, the President of the United States has given no explanation which I find justifiable for the occupation of another country, specifically Haiti. And that, of course, is what we are doing in Haiti. We are exercising a military occupation on that nation. For all intents and purposes, all activities in that nation are under our control and the control of our military leadership in that country.

Before we pursued such a course, on a number of occasions I rose on the floor of this Senate and asked what is our national purpose there. Unfortunately, I do not believe that the President has

ever defined the national purpose that justifies our going there.

The original purposes which were outlined were, first, that we had significant problems with refugees; second, that the leadership of that country, General Cedras, who has been variously called by the President on one day a thug and on another day a man of duty, General Cedras has broken his word to the United Nations under an agreement that has been reached; and number three, we needed to restore democracy in that sad country.

None of those issues raised to a level to justify an invasion and they also do not raise to a level which justifies a military occupation. Two of those issues are totally specious: The question of refugees and the question of word breaking.

Clearly, the refugees may be a problem from Haiti, but compared to the refugee problem which we have with Cuba and the illegal immigrant problem which we have with Mexico, the problem with Haiti is minuscule; 15,000 Haitians came into this country as refugees last year. We are talking about tens of thousands of Cubans presently sitting in camps at Guantanamo and other places, and we are talking about over 1.2 million Mexicans who are illegal immigrants in this country last year. So to raise the refugee card is to raise a straw dog.

In addition, the refugee situation was created by the activities of this administration and their inconsistent policies on how to deal with the refugees so that at some points we were giving them hope and at other times we were not. As a result, the ebb and flow of refugees was tied to American policy, not to the Haitian situation specifically.

The issue of keeping your word is the other logic given for this invasion which has now turned into a military occupation. Keeping your word in international affairs is something that is often unfortunately ignored by many countries, and when you are describing the leadership of a country as members of a thuggery class, as the President was up until the military occupation occurred, then I think you can expect they are not going to keep their word. And if you are going to enter into agreements with thugs, you can expect that thugs are not going to keep their word and, therefore, I think it is unreasonable for us to pursue military action against a country when we know that the country's word probably is not any good to begin with under that leadership, as defined by the President, which leadership is defined as rapists and thugs and murderers. So that is a specious argument.

The third argument that was given is probably the only one with legitimacy, and that is the question of restoring democracy to Haiti. Yes, democracy had been taken over by a military

coup. We now learn, however, in the postinvasion environment, in the military occupation environment, that if coup leaders are being characterized not as people who acted out of a malicious piracy atmosphere or attitude, as had been described before, not as people who are rapists and murderers and thugs, but rather men of order, men whose sense of duty and honor, as characterized by Senator NUNN and General Powell, by former President Carter and, by implication, even President Clinton, it was their sense of honor and duty that led them not to pursue a military confrontation over the invasion and, equally important, we now learn—at least it is represented by one of the delegation to Haiti who accomplished this peace agreement—that it was probably the sense of duty and honor of Mr. Cedras who saved Mr. Aristide's life during the original coup and allowed him to leave the country without being murdered.

So we find that these people who had originally been described as thugs and usurpers of democracy, maybe they are not. I do not know whether they are or are not anymore. I am as confused as any other American at this point, having no knowledge of these matters.

We know also before a decision could finally be made by a military leadership or even before the military leadership would do it, would undertake the position not to confront forces with forces, they had to go to what they deemed to be the elected President of that country who had been elected by the Parliament who we had maintained was a figurehead and get authorization from that president. It was only the direction of that President, according to the characterization given to us by members of the delegation there, that kept at least one of the military leaders from going to the mattress, so to say, and initiating a military confrontation. It was their commitment as a military to what they perceived to be the civilian authority, which civilian authority had been elected, by the way, by the Parliament, to that individual elected President by the Parliament, that caused the military leaders not to pursue a military course of action. That was the way it was characterized to us during the briefing. So the question of democracy now becomes even more amok.

Then you throw on top of that the track record of Mr. Aristide—Mr. Aristide, who is a gentleman who has had a history of rather vitriolic comment about our Nation, about America and our course of action and whether we are truly a democracy; Mr. Aristide, who, when he was President, incited and pursued and used the mob as one of his forces of political activity, and who, as has been related on innumerable occasions, but I think appropriately related over and over again, endorsed the concept of using violence

against his opponents through a process called necklacing, which has been described here and I will not go into again, but it is certainly an atrocious act and certainly not an act of a democracy; Mr. Aristide, who, since the invasion, has taken the position that he is not going to be supportive of the American effort or, if he is supportive of the American effort, we have not heard about it.

America puts our people's lives on the line to put him back in the position of his Presidency, and we do not even receive an acknowledgement that was something that was rather extraordinary and might have some scintilla of appreciation from him.

This is the gentleman whom we justify putting American lives in harm's way for, in a situation which in a 24-hour period went from being confronting thugs to confronting men of honor and duty.

So it is very hard for me, as a Senator, to understand how the President can claim a national interest which justifies, first, the concept of invasion, or the idea of an invasion, but now the idea of a military occupation.

What are the outgrowths of a military occupation of another nation? Well, they are considerable. I think the most significant one that we have to think about is that once you have militarily occupied a country, as we are now doing in Haiti, you become responsible for that country and you especially become responsible for the governments which follow on in that country because you are going to put them in place. In this case, we are going to put Mr. Aristide in place.

You have to wonder, is Mr. Aristide going to pursue a course of democracy once he is back in power? Or will he continue, as he had in the past, to pursue a course of promoting mob violence and antipathy toward the United States in the most vitriolic way?

Whatever he does, we, unfortunately, have our fingerprints on his Presidency in a manner which is indelible and which is going to carry significant cost.

Second, down the road, we are going to insist on an election. I am not sure when the election is going to occur, but I presume part of our being there is to have an election. As I understand the fact pattern as it now lies, Mr. Cedras is not going to be asked to leave the country, although that was originally one of the conditions of this invasion.

It is possible, I presume, for Mr. Cedras to run for President, and I just put this forward as a hypothetical. If Mr. Cedras runs for President in an election that we have sponsored and wins the election, do we now become the endorser of Mr. Cedras as an elected President of Haiti? Or Mr. Biamby? Obviously, that is a potential. These are men of significant influence and clearly some popularity in some seg-

ments of the Haitian population. That is a possibility.

Those are the types of ramifications you get into when you militarily occupy a country and begin the process of nation building.

Then, of course, we have the more immediate and personal problem which is that we see American military personnel on the street of Haiti being put in the unconscionable position of having to deal with civil violence, having to be policemen, and not knowing what the rules of engagement are.

Before this started there was extensive discussion on the floor of the Senate about what the rules of engagement would be, and I remember very specifically in a number of interviews the Secretary of State, the Secretary of Defense, our Commander in Chief, and the Chairman of the Joint Chiefs of Staff, saying listen, this is what the rules of engagement are going to be. This is what we are going to do, what our troops' authority will be. They will be that they can go in and disarm, if they are threatened by forces that confront them; they will be on the street, and they will be asked to deal with civil issues of violence on the street.

Yet now we find that while our soldiers are on the street, they do not know what their rules of engagement are, and they are put in this very impossible and extremely personal situation of watching mob violence, of watching police officers beat to death—Haitian police beat to death—a person who is described as a coconut salesman, according to the New York Times, and not be able to step up and do anything about it.

That is a terrible situation to place an American soldier in, an American soldier who is supposed to go into battle with a clear set of understandings as to what he is fighting for or she is fighting for, and a clear understanding of who the enemy is and how to deal with the enemy. You are asking those people, trained in those skills, to be put in a situation where they are confronted with confusion, with misdirection, with misunderstanding, and with personal situations where they are put in a terrible moral dilemma of whether they should step forward and act, as they are people of action—these are our soldiers, and they know how to act, they know how to use force, to take action as people of action to protect an individual who is being beaten—or whether they must stand back and watch that event.

That is the situation our soldiers find themselves in as a force of occupation. And it is one, obviously, that is traumatic for them, but it is also traumatic for our country.

It arises from the fundamental failure of the policy which got us there. It arises from the fact that we are now militarily occupying a country and we

do not know why. We do not have a clear explanation of why we are there or what the basic framework of the events are that got us there, that justify us being there.

Then we come to the issue of the exit strategy: How do we get our troops out? There has been a lot of talk about that, but there has not been any clear definition of it. The President has moved on this issue in a very amorphous way. Once we hear they are going to be there for months. Then we hear they are going to be there for months in force and then the U.N. group is going to come in and take their place in force, but the U.N. group is going to be made up of 3,000 Americans. Then we hear there is going to be training going on with the military police and the military for a period of maybe 1½ years.

It simply is not clear as to when we are leaving or how we are leaving or what justifies our leaving, for that matter. Are we going to be able to leave if there is an election and General Cedras is elected President? What happens? What happens in that event? There has been no definition of policy there either. That policy, again, should have been established before we went in.

It was stated on this floor that it should have been established before we went in. In fact, this Senate passed a resolution which said it should be established before we go in. Yet there is no clear and definitive, or even marginally clear and definitive, exit strategy put forward by this administration in Haiti.

Again, I think it goes back to the fact that the administration does not have a fundamental concept of what the policy is in Haiti, what drives the national interest that got us in there in the first place, because there is nothing strong enough to define it in this situation.

Then, of course, we come to the issue of costs, costs to the American taxpayers. DOD costs for the next 7 months of the Haitian operation will be \$372 million. On top of that, there will be Coast Guard retrieval at sea at a cost estimated to be \$187 million. On top of that, there is a transportation cost of troops and equipment to Haiti of \$55 million. On top of that, there is a DOD equipment and training cost for participating countries of \$50 million. Do not think these other countries are coming in and paying for these costs. We are paying for them to the extent they are even there.

In addition to that, we are going to be paying for the training of the civilian Haitian forces, \$28 million, and a Haitian refugee safe haven program of \$30 million.

The costs go on and on and on, and we end up with an estimated total of somewhere around \$900 million, and that is an open-ended estimate. That is

the low-ball figure, folks. We are talking \$1 billion plus for this undertaking.

Now, I have to go back to the State of New Hampshire, and I have to talk to the taxpayers in my State. First I would have to try to explain to them the reason why American troops are occupying this country, why we have militarily taken over this country. I cannot do that. But equally, I have to justify to them where their tax dollars are going.

The sum of \$1 billion would run the State of New Hampshire for a year; \$1 billion spent in the city of Washington, DC, would go a long way toward alleviating some of the violence in this city and certainly helping out with the educational system of this city; \$1 billion is a lot of money. Yes, Haiti is a poor and desperate country and needs our assistance. But a lot of this money could be spent well in the United States, or maybe it could even be spent on some other foreign issue where we could actually define a national goal.

But in Haiti, we have a lot of trouble justifying the vast amount of dollars that are going to be spent for a military occupation. I do not have a great deal of quarrel with the money being spent feeding Haitians. We are going to be feeding about 2 million Haitians a day. I think that is going to have to be done no matter how this process is worked out. That could be done through AID. But I have a great disagreement with the idea that we are going to spend literally about \$1 billion just on maintaining our military force there and paying for it over the next few years.

Of course, a considerable amount of money is being spent by Mr. Aristide personally here in this country, \$1.8 million a month. That is not American tax dollars. That is dollars that are Haitian dollars that were in frozen assets here in this country.

I guess the question has to be asked: "Well, \$1.8 million for what? We heard that a lot of this money is going to lobbying; \$55,000 a month is what I understand goes to one lobbyist, a former Member of the House of Representatives. He happened to be active in the Western Hemisphere Subcommittee of Foreign Affairs in the House. I am sure he is a good lobbyist. I know he is a good lobbyist."

But the fact is that I think that money could be well spent if Mr. Aristide wishes to spend it on something a little more worthwhile to his own people and maybe even we could feed instead of 2 million people 2.5 million if we had \$1.8 million a month to spend down there.

So that becomes a question, not a dramatic one but one that raises more issues about the viability of the national interest of invading this poor and desperate country, and now not invading it but taking it over militarily.

More importantly or equally importantly becomes the geopolitical terms

of what this does. We have now set up a policy which in two ways fundamentally undermines our geopolitical activities. First, we had something called the Monroe Doctrine, which has been variously interpreted over a number of generations and a number of years. But the Monroe Doctrine essentially says that the Western Hemisphere issues shall be settled by Western Hemisphere countries, and specifically the United States will enforce that fact.

We now have, however, a military occupation force in Haiti—and it is a military occupation, do not look at it any other way; that is what it is, just like a military occupation force was in Germany after World War II and in Japan after World War II—a military occupation force made up with European power and participation, fundamentally undermining what has been almost a 200-year policy of this country, which is that Western democracies, Western nations, Western Hemisphere nations, will settle Western Hemisphere issues, and that we will not involve European countries in our problems in this hemisphere.

So we set a pretty bad precedent there. We have certainly opened the door. Granted, maybe it will not be a door ever used. Maybe it is just a crack. Maybe I am being too sensitive to the Monroe Doctrine. But the Monroe Doctrine is one of those things that served us well in the country for a time. I think when an administration departs from it, it had better have a darned good reason and explain why.

The problem with this policy is that this administration has not been able to explain its policy and has been confused, to say the least, in its presentations to the American people. Then, in addition, we have the issue of what was given away at the United Nations to get United Nations approval of this invasion. That is still something that sticks a bit in my craw because the President has still refused to come to this Congress and ask for authority. And yet he did go to the United Nations and ask for authority to invade. I do think that he should have also come here and asked for the authority to undertake military action there.

The point is that there were some deals made on that vote. We do not know what they are yet. We do not know what they are yet. But I am willing to bet that some of those deals involved Russia and its role with its sister states surrounding Russia. If they did not involve it explicitly, it was involved implicitly. The actions of Russia relative to the former Soviet Republics and sister nations around Russia and its sphere of influence now become a question which we have much less legitimacy commenting on when we invade a neighboring state. We are going to have a lot of difficulty saying to Russia: Well, you are not in a position to go into the Republic of Georgia,

for example, and use Russian troops in that republic arbitrarily.

We created a situation where our credibility in arguing or debating the issues of international policy has been fundamentally undermined, and what for? For no national interest which I find. Yet, we have pursued that course and clearly, I think, set in place a sequence of events which will probably lead to a new round of what in the old days was called sphere-of-influence politics. It was sphere-of-influence politics which led to the power politics which led to many of the major international confrontations over the years. It has not ever worked well, and it probably is not a good time to back into that type of diplomacy again. Yet, that is what we have done. We have basically backed into a new world order called sphere of influence politics, which is an old approach to politics but one which has been proven to be a failure over the years.

So the issues become once again, I believe: Why did we go in; what is our national purpose; and how are we going to get out? As of right now, there is no clear definition or answer to any of those questions that I think is satisfactory to justify 15,000 American soldiers being on the ground and occupying the country of Haiti. The American taxpayers are paying the cost of that occupation. American prestige is being put on the line in the person of Jean Bertrand Aristide.

There is no national policy which justifies us putting our imprimatur on the Government of Haiti that will succeed Mr. Aristide in being responsible for that Government for the foreseeable future. If we look at the history of Haiti, I think we have to conclude that it is unfortunately a sad country, sad not in the pejorative sense, but sad just in the sense that it has had hard times, sad in the sense that for 200 years since it was able to obtain its freedom in a most spectacular way—and it is the first nation in this hemisphere, one of the first, possibly the first nation, to obtain such freedom from the colonial powers—it has been unable to maintain a government that has maintained civil order. The society has unfortunately evolved into a society which has been inherently violent, and it also has been a society which has been unable to produce the economic well-being necessary to give prosperity to its people. Rather, it has remained an extraordinarily poor place.

I do believe it is extraordinarily naive for us as a nation to think that by going in there and occupying this country by military force—which is the second time we have done it in this century, the last time being for 19 years, from 1915 to 1934—that we are going to change fundamentally the culture of Haiti. I suspect that 3 years from now, or 5 years from now, when we look at Haiti—hopefully, our troops

will have long been gone for a long period of time by then; hopefully, they will have had elections, and hopefully they will still be functioning as a democracy in some form—but I suspect what we shall see is even if they do have the trappings of democracy, they will remain a violent nation and they will also not be that prosperous a nation. And we will have expended, once again, a huge amount of American prestige, influence, dollars and—hopefully not—possibly even American lives in the pursuit of an activity which has delivered no significant national benefit to us, and which, in the time it was pursued, there was no significant, definable national interest.

I continue to have very severe reservations about the actions taken in this arena. I obviously support this resolution as it has been brought forth. I hope that our troops will be brought home as soon as possible.

Mr. President, I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am going to take a couple of minutes here, if I can, to respond to some of the points raised by my colleague from New England in his comments here about the situation in Haiti. I just want to address a couple of points, some of which are getting repeated often enough that I think they are becoming sort of accepted, and that is absolutely not the case.

President Clinton has not retreated or retracted in any way from his description of the coup leaders in Haiti. The speech the President made last Thursday evening in which he, in my view, appropriately and properly described the behavior of these individuals, has not been retracted, to the best of my knowledge. Other people have drawn different conclusions—and that is certainly their right to do so—of whether or not these people are honorable, worthy, or just, or whatever other words may have been used to describe them. In fact, we have asked whether or not President Clinton retreated at all from his Thursday night description of these people, and very candidly, he said he had not.

I point out further, Mr. President, that I think the scenes on our television screens over the last 24 hours certainly corroborate the description used by the President of the United States in talking about these people. Normally, with international media gathered around, usually thugs try to operate in the dark of night, clandestinely, in order to avoid the reputation that they might otherwise deserve. This crowd in Haiti disregards all of that.

Here you have the entire world sitting there watching—live—as these characters with their nightsticks and weapons went out and brutally beat to

death in front of the world an innocent civilian who was not engaged in anything. Of course, American soldiers just watched, because of the orders they have been under and the limited numbers that are there, and they described it appropriately. These people were doing nothing at all.

So I, first of all, want to make it clear, because it has been said by so many that now there has somehow been a change in opinion by the administration regarding General Cedras and others. I know that former President Carter and others have used words in their own descriptions of these individuals, and they have met with them and they know them, and they certainly have a right to describe them.

Mr. President, I have also met them. Earlier this year, I spent some 4 hours with the high command in Port-au-Prince in the very building where a lot of the negotiations took place over this past weekend. I also lived near the border in the Dominican Republic as a Peace Corps volunteer a number of years ago. I have visited there on many occasions over the years. I have many good Haitian friends. I know the country well, and I know its history. They are a proud and independent people which is rich in cultural heritage. But they have had a very bleak and dismal political history, particularly in the last 50 or 60 years. But the history of their fight for independence is truly a noble story.

My colleague from New Hampshire appropriately and properly said they were one of the earliest nations to achieve their independence in this hemisphere. In fact, they were the second. We were the first. The United States achieved its independence from a colonial power. Haiti was the second nation to do so in 1804 and did so by defeating, I point out, some of the strongest military leaders in the world.

Napoleon's son-in-law, Leclerc, defeated them on a battlefield. Toussaint L'Ouverture, sort of the George Washington of Haiti, was educated in the court of Napoleon by Josephine, and was highly sophisticated and articulate. There was Henri Christophe, one of the great generals, who was functionally illiterate but a brilliant strategist. For those that may have visited Cape Haitien in the northern part of Haiti, there is the Citadel, built by Henri Christophe, and the Palace of Sans Souci. He was a brilliant strategist with a highly disciplined military force. Jean-Jacques Dessalines, one of the leaders of the Haitian revolution in 1804, was a remarkable political strategist and military leader.

Haiti was the nation that received Bolivar when he was seeking to throw off the shackles of colonial influence and power in Latin America. They provided a safe harbor for them, helped rearm them, and supported them. Haitians fought in our revolution, the

American Revolution. The only reason we did not recognize their independence immediately was because of our own concern that somehow by recognizing a black independent nation in this hemisphere we might offer some encouragement to slaves prior to our own Civil War. But Haitians fought in the American Revolution. That is an established fact in record.

This is a country of remarkable cultural identity. Some of the best art produced in this hemisphere is produced in Haiti. They have a rich musical tradition. I hope despite all the bad news in Haiti, people might spend a little time studying the history of that nation. They have had a rotten political history over the last number of years, and they are desperately poor. But do not confuse poverty and desperate political conditions for a people that are not proud and independent and determined to try and have hope in the future for democracy, independence, and freedom. They seek it very, very strongly.

As I said a while ago, Mr. President, maybe I am a minority of one on this issue, but I think real men do fight for democracy. Maybe some do not believe that is worthy any longer, that you have to have some great strategic purpose here. But I still remember the days when Presidents and Congresses thought democracy was worth fighting for.

I hope our soldiers get out of there. I do not like the fact that they are even in there. I wish the problems were resolved through other means. But I am not going to stand or sit here idly and listen to people talk about the defense of democracy as an unworthy cause. I suspect our soldiers down there understand that. They wish they were somewhere else, and I do not blame them. But they understand it. Do not confuse it over the fact that somehow this is not worthy.

Second, Mr. President, and I am somewhat strained here because some of this information is only available to Members if they seek it out through the intelligence sources, but the notion somehow that General Cedras saved President Aristide's life is fundamentally, totally factually incorrect. That information is available to any Member of this body who wants to spend the time to dig out the information. The source of that claim that General Cedras saved President Aristide's life is General Cedras. That is what he said. But I know for a fact—and there is information available to people here, if they want to seek it out—that that is just untrue.

Third, my colleague from New Hampshire said that the acting President of Haiti was chosen freely by the Parliament. That is totally untrue. He was put in that position by General Cedras. Nobody elected so-called President Jonassaint to the Presidency. He was

placed there by the coup leaders. I point out that this is a guy who claimed credit for the airplane that almost ran into the White House, that he somehow willed this. That gives you an idea of this character and where he comes from, that he is claiming responsibility for somehow directing aircraft at the White House.

(Mrs. MURRAY assumed the chair.)

Mr. DODD. This is the guy we are told today by some that is a pretty responsible individual.

Madam President, if people spend a little time they might find out otherwise.

Lastly, regarding whether or not President Aristide has been supportive of democracy and supportive of human rights, I would refer my colleagues and those who may be interested to read the human rights reports done by the most reputable human rights organizations in the world who made an analysis of the Aristide government. Remember his government lasted from February 1991 to the end of September 1991. That is when the coup occurred. He had about 7 months in office. That is it.

But the human rights organizations that examined that administration as to whether or not the Aristide government was fulfilling its obligations regarding human rights gave him a clean bill of health, a perfect one, no. There were problems there certainly. By comparison to what you are seeing today it is not even close.

I would also urge my colleagues, and this is available to them, to go back and look at cable traffic between the American Embassy and our own State Department in those months. I have read every one of them, every one of them, and there are a lot of them, and there is not a single derogatory reference. That was the previous administration's Ambassador. In fact, there are references to the fact that he was doing a pretty good job and they were having a much more cooperative relationship. There were still some problems. But President Aristide was doing a far better job than I think many have thought.

But the suggestion somehow this was an administration that was committing human rights violations was highly critical of other nations, not that that would necessarily be the last point to warrant people denouncing this individual.

We get criticized by some of our so-called best friends around the world with some frequency. Nonetheless, there is a strong support here not just from my reports here today but from sources of information debunking some things being said.

One thing people have different opinions on is whether or not we should have forces there and how soon they come out. I respect that, and that is certainly legitimate.

The information that is factually incorrect gets stated often enough and it becomes the truth. It becomes the big lie in a sense.

So, Madam President, I hope that as to some of these of points anyway people will examine the issues once again, and this has been stated I know by Senator DECONCINI of Arizona, and others, but it deserves a brief repetition.

In late September of 1991 when this coup took place, that threw President Aristide out of power, it was the Bush administration that was in charge of foreign policy. I would invite my colleagues to read, I think, a very good speech given by Secretary of State Jim Baker on October 2 before the Organization of American States. It is a very strong speech. It does not leave any doubt in my mind about how strongly he felt and the Bush administration felt over what had happened in Haiti, and it makes it awful clear as well what the Bush administration would be prepared to do if sanctions and embargoes and other efforts did not work.

Secretary of State Baker did not say we are going to use military force, but Secretary Baker did say there are other additional means available to us. For those who knew Jim Baker, and I know him and like him—in fact, I have a high regard and respect for the job he did as Secretary of State—I do not think he was signaling directly that military force would absolutely be used, but Jim Baker was no shrinking violet either. When he said "other means are available to us," he was not excluding, I will promise you, military force.

President Bush at that time called the coup d'etat a threat to our national security—his words, not mine.

To listen to some people here talk now that it is President Clinton in the White House all of a sudden that is no longer the case.

So once again I even go back and revisit the history and come up with various solutions that might have applied and saved us from the situation we are in today, but this began under the Bush administration and continued in this administration. These things just did not occur a few weeks ago or a few days ago.

I am not going to spend time to go back and, as I said earlier, to act as a so-called Monday morning quarterback and what I might have done differently or others might have done differently. I think today we need to support the forces that are there and hope they come home quickly, hope this agreement as imperfect as it is, but I think an agreement that deserves our support, will produce the desired results.

Again I state emphatically, Madam President, certainly General Powell and SAM NUNN deserve great credit for working under very difficult circumstances, along with former President Carter, but it was President Clin-

ton that created the situation by the use of the threat of the use of power and then sending that delegation down at the last hour to try and resolve this problem as the President of the United States. I think the bulk of the credit goes there. He has now got us in a situation where I think there is a very good chance we can resolve this situation without bloodshed, restore that legitimate government and bring our troops home as soon as possible. I certainly hope that is the result and this resolution I think states as well as you can under the circumstances those desires. I strongly hope it will be endorsed and supported unanimously by this body.

Mr. DORGAN and Mr. BOREN addressed the Chair.

Mr. DODD. Madam President, I will be delighted to yield whatever time my colleague from North Dakota desires.

Mr. DORGAN. Madam President, let me ask unanimous consent that I may speak for 3 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUNS IN SCHOOLS PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. DORGAN. Madam President, I thank my colleague from Oklahoma for his courtesy.

Madam President, I take the floor on an issue that is very important and timely.

We have in current law in this country a statute we passed last spring that sets a national standard and national policy on the issue of bringing guns to schools. This standard in law says nationally school boards must have a policy that if kids bring guns to school they are going to be expelled for 1 year, no excuses, no ifs, ands, or buts.

As I speak, the conference committee on the Elementary and Secondary Education Act is meeting to rewrite the portion of the law where the gun free schools provision exists, and there are some who are trying desperately to repeal that portion of the law. In fact, they are buttressed today by a letter sent around by a number of groups, including some school groups. One of them is the Council of Chief State School Officers, but there are many others.

Interestingly enough, I called a chief state school officer today from a State who said he knew nothing about this letter.

Let me tell you what the letter says about guns and schools. It says you cannot have guns in school. But, it also quotes a recent survey by the National School Board of Education which says: "Many school districts do not have a zero-tolerance policy"—speaking about guns in schools—"now because they know that is not in the best interest of their students' safety or education."

Whoever wrote this has lived in Washington far too long and does not understand the need for a national standard on the issue of guns in schools. The standard is now the law.

If in conference these folks succeed in repealing or weakening the gun free schools provision and try to bring the Elementary and Secondary Education Act conference report back to this floor, I guarantee you I intend to do everything I can to stop it.

We need a national standard that says no excuses and no tolerance. The epidemic of violence has moved from the city streets to schoolrooms. Even within the shadow of this Capitol, kids have been shot in their schools. When that happens, we ought to decide as a country that we need a national standard that says no guns in schools and no excuses, and every parent and every student ought to understand that standard.

So I hope in the next couple of hours when this conference committee meets they will understand that some of us will not accept a judgment that they should repeal the gun free schools law that now exists. We wrote this law to say we do not want guns in our schools, we will not allow them in our schools, and we expect every school board in America to have a policy to prevent it.

Let me again thank my colleague from Oklahoma and my colleague from Connecticut for their indulgence.

I yield the floor.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The Senate continued with the consideration of the resolution.

THE PRESIDING OFFICER. Who yields time?

MR. DODD. Just briefly, I made a comment a minute ago about the previous administration's description of the events in Haiti as they unfolded in late September and early October of 1991. Just to corroborate my statement, I did not have it available to me at that very moment, but the San Diego Union Tribune, on October 5, 1991—and I quote from it—quoting the President, Mr. Bush, called the coup "an unusual and extraordinary threat to the national security, foreign policy and economy of the United States."

Madam President, I will ask unanimous consent to have printed in the RECORD that language from that paper along with an article from the Houston Chronicle, which picked up the exact same quote—"an unusual and extraordinary threat to the national security, foreign policy and economy of the United States." That was the statement from President Bush in the fall of 1991.

Madam President, further in this article from the San Diego Union Trib-

une, "President Bush"—and I am quoting here—"did not rule out U.S. participation in a multilateral military effort to dislodge the junta if peaceful means failed, but added: 'I think we've got to wait and see. I don't want to get out ahead of where the OAS mission is.'"

I make those points not because I am suggesting that President Bush would have taken absolutely the same action President Clinton has, but just to point out that was in October 1991. Today you have a previous administration calling it directly a threat to our national security, saying very directly that he would not rule out—and I certainly supported him when he said that—would not rule out being a part of the military force to throw out that junta.

All I am pointing out is a previous administration felt at the time there was a serious enough problem to state the case. What you have today is a continuation.

Now, again, a lot of things could have intervened that might have avoided our getting to this problem, and I would not be the one to suggest that this could not have been avoided. But I think it is important for the purpose of the historical record to point out that two administrations have taken virtually the same positions on this matter in terms of how they have characterized it and the means they would have used in order to deal with it.

I ask unanimous consent that both the Houston Chronicle article and the San Diego Union Tribune article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, Oct. 5, 1991]

BUSH NOT EAGER TO SEND IN TROOPS; BUT HE WANTS COUP REVERSED

(By Greg McDonald)

WASHINGTON.—President Bush said Friday he is committed to reversing the military coup in Haiti but is reluctant to use military force to achieve that goal unless Americans there are threatened.

Still, Bush refused to rule out the possibility of military action, saying the United States would consider participating in a multinational force if necessary to restore Haitian President Jean-Bertrand Aristide to office.

"I'd like to think that this mission by the Organization of American States will do it," Bush said of an OAS delegation that arrived in Haiti Friday to demand that the democratically elected president be allowed to return from exile.

"Let's hope that that can be done without any kind of force," Bush said in a news conference shortly after he met with Aristide in the Oval Office.

Bush, in a move aimed at helping to isolate Haiti economically, signed an executive order freezing all of the country's U.S. bank accounts and assets. His order also cuts off U.S. business dealings with the Haitian military junta that assumed power by force earlier this week.

Bush called the coup, which was orchestrated by Brig. Gen. Raoul Cedras, "a rep-

rehensible action" and said it could present "an unusual and extraordinary threat to the national security, foreign policy and economy of the United States" if allowed to stand.

White House officials were quick to deny that Bush's comments were meant to signal possible U.S. military action, saying that the proposal for use of force to deal with the problem was first raised by the 34-nation OAS.

"That hasn't been our proposal, that's something the OAS came up with," said one White House official, who described the president as being "very much opposed to using military force" in this instance "unless Americans start getting hurt down there." "This is not another Kuwait or even Panama at this point," he added.

Bush made a similar point in his news conference.

"The United States has been, and properly so, very wary of using U.S. forces in this hemisphere," the president said.

"We're committed to the restoration of democracy * * * and a strengthening of democracy in Haiti," he said.

"We feel very strongly about it. But I am reluctant to use U.S. forces to try to accomplish it except if American citizens' lives are threatened."

"Of course, I'd feel that is a direct concern and responsibility to the president," Bush made his comments as the OAS took the unusual step of sending an 11-member delegation, including Bernard Aronson, the assistant secretary of state for Latin American affairs, to Haiti for a meeting with Cedras.

[From the San Diego Union-Tribune, Oct. 5, 1991]

OAS TEAM MEETS HAITI COUP LEADER, ENVOYS REPORT SOME PROGRESS, SCHEDULE MORE TALKS TODAY

(By Kevin Noblet)

Diplomats from the United States and eight other nations met with Haiti's military chief yesterday and pressed him to restore President Jean-Bertrand Aristide to power.

After a two-hour meeting at the airport with Brig. Gen. Raoul Cedras, the Organization of American States officials flew to Jamaica but were to return today. Asked whether they had made progress in persuading Cedras to reinstate Aristide, Argentine Foreign Minister Guido di Tella said, "Enough to return tomorrow."

President Bush met with Aristide in Washington. Mr. Bush said he was "very wary" of using U.S. military forces to reverse Monday's coup "except if American citizens' lives are in any way threatened."

Port-au-Prince, the capital, remained tense, with most shops and businesses closed for the fifth day since the coup. Armed forces continued to patrol the streets, but their presence appeared reduced from previous days.

After continuous radio reports of clashes between security forces and Aristide supporters, and reports of a death toll of up to 1,000, the army banned radio and TV broadcasts "inciting to violence."

Soldiers ransacked Radio Lumiere, a Protestant-run station which the day before had reported a massacre, according to Jean Dominique, director of independent Radio Haiti Inter.

After giving the brief report of the attack, Dominique said Radio Haiti Inter, too, was going off the air until the "soldiers come to their senses."

By yesterday afternoon nearly all the capital's 12 independent radio stations were off

the air. Radio is the main source of news for Haitians, many of whom are illiterate.

The United States has sent 500 Marines to Guantanamo Bay naval station in neighboring Cuba in case they are needed to evacuate the estimated 15,000 Americans in Haiti.

The nine-member delegation from the Organization of American States (OAS) arrived in Haiti yesterday afternoon from Washington. During the meeting, it read to Cedras an 11-point OAS resolution demanding the military allow Aristide's return.

The resolution also calls on all members of the hemispheric organization to cut trade, financial, military and diplomatic ties with Haiti. Bernard Aronson, a U.S. assistant secretary of state, called it "the toughest and strongest resolution in the history of the OAS."

There were no other details from the meeting. Cedras arrived at the airport and left later in a convoy of six jeeps and small trucks loaded with soldiers. Some of the vehicles were blood-stained. He made no statement to reporters.

Aronson, a member of the delegation, said earlier that it planned to tell Cedras "the coup cannot succeed."

After meeting with Aristide, Mr. Bush told a news conference he was optimistic the OAS mission would end in a peaceful settlement.

President Bush did not rule out U.S. participation in a multilateral military effort to dislodge the junta if peaceful means failed but added: "I think we've got to wait to see. I don't want to get out ahead where this OAS mission is."

He emphasized, however, that "We are committed to democracy in Haiti. We want to see Aristide restored to power."

Earlier in the day, Mr. Bush called the coup, which took place Monday, "an unusual and extraordinary threat to the national security, foreign policy and economy of the United States."

Mr. Bush signed an executive order freezing Haitian assets in the United States and blocking Americans from making payments to the regime while it "illegally" retains power.

Aristide, after meeting with Mr. Bush yesterday, told reporters, "An economic boycott will be essential to asphyxiate the present government."

On Thursday, army headquarters denounced Aristide's vigorous pursuit of international backing. Cedras has called on Parliament to work out a plan for returning to democracy without Aristide.

There were widely varying reports of casualty tolls from clashes between security forces and Aristide supporters.

Marie-Laurence Jocelyn Lessegue, the deposited information minister, said on radio yesterday that more than 1,000 people have been killed, including 250 in the sprawling seaside slum of Cite Soleil, where Aristide enjoyed great support.

Lessegue on Thursday put the death toll at more than 200, and gave no explanation yesterday for the five-fold increase. Aristide, in Washington, said the estimate of 500 came from telephone contacts he had with Port-au-Prince.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Madam President, I yield myself 30 seconds.

Madam President I appreciate the clarification by my friend from Connecticut.

But the fact is that for us to say that a situation is unacceptable in many

places throughout the world is one thing. For us to become involved militarily is another.

The fact is that neither President Bush nor General Scowcroft nor Secretary of State Baker ever contemplated an invasion of Haiti, and the record is clear as to their positions on that.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Madam President, I yield 15 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 15 minutes.

Mr. BOREN. Madam President, I thank the Chair and I thank my distinguished colleague from Connecticut for yielding to me.

CAMPAIGN FINANCE REFORM

Mr. BOREN. Madam President, I rise to speak on a subject that will actually be before us for a vote tomorrow, and that is a vote on the motion to invoke cloture on the motion to disagree with the House on amendments to the campaign finance reform bill.

Madam President, in just a few weeks, I will complete my service here in the Senate after almost 16 years. I find myself, as I come to the floor in recent days and as I walk up the front steps of the Capitol on the Senate side to come into this Chamber, often pausing to reflect upon the last 16 years here and the hopes and dreams that I had when I first came here with strong desire to render public service.

I think about the importance of this institution, the Congress of the United States, the Senate of the United States in particular, in the life of our country. I think about the role it performs in giving the people of this country a voice in the important policy decisions which are made which affect the lives of each and every one of them, their children, and the future for the next generation.

I have often said that I hope during the time that I served in the U.S. Senate I would never lose my sense of awe as I entered this building and my sense of feeling privileged to be a part of an institution so much associated with the history of this country. When I sit at my desk, I sometimes open the drawer of my desk and look in it at the names that are carved there, because we have a tradition that Members who sit at these desks carve their names inside the drawers. I have been privileged to sit at the desk once occupied by Senator Harry Truman of Missouri, then President of the United States. You can open these drawers and read the great names of those statesmen and stateswomen who have made an enormous contribution to our country.

We owe them such a debt of gratitude. We owe them more than just our thanks. We owe them our faithfulness in keeping this institution strong. And we owe it to the American people to make sure that this institution remains an effective part of the democratic process truly giving them a voice in decisionmaking.

We recognize also that we play a critical role in terms of maintaining the trust of the American people in the democratic process itself. We are a great country because we have had and we have a sense of community. We have been Americans together. Together we have collectively made the decisions to guide our country into the future. Collectively, we have worked hard to make this country all that it could be. And trust—trust between the people and those of us who temporarily occupy public offices, trust between the people and their confidence in those institutions which are here to represent them—is absolutely fundamental if we are to remain a great nation.

Madam President, I have to say, sadly, that I do not believe I am leaving this institution stronger than it was when I came here. I say that with a lot of sadness because I know that many have labored here with great sincerity and dedication to make the Senate an even greater institution to make sound decisions for the public.

My view that we have declined, in terms of our ability to deal with the great public issues of the day, is shared, obviously, by a vast majority of the American people.

A few weeks ago, when I was home in Oklahoma during the recent recess in August, a poll was published that said that only 14 percent of the American people approve of the way the Congress was conducting its work—14 percent; the lowest in history.

And when asked, "Are most Members of Congress more interested in serving the people they represent or more interested in serving special interest groups?", 79 percent said that Members of Congress were more interested in serving special interest groups than in serving the interests of the people that elected them and sent them here.

These statistics should focus the attention of every single Member of this institution in both parties on the need, the urgent need, to reform our political process and to strengthen this institution.

Trust once lost is hard to regain. Democracies are fragile.

I once read a comment by, I think, a very astute observer who said, when listing the great wonders of the world made by men and women—the Seven Wonders of the World—we should not limit ourselves simply to something like the pyramids, as great as they are in terms of an architectural and construction feat. We should also think of

other human institutions, for example our democracy in this country, which has lasted for over 200 years. And, he said, the fact it has lasted for more than 200 years is even more remarkable than the fact that the pyramids have stood for thousands of years.

Why? Because to last, a democracy must be constantly tended. It is like a friendship. It is like a marriage. It is like a family relationship. Each succeeding generation must care for it, each succeeding generation must love the constitutional framework that we have inherited, each succeeding generation of men and women who serve in this institution must care for it. We are the trustees of this institution. If we do not care for it there is no one else who can tend to it. There is no one else who can nurture it.

Madam President, this institution, obviously, when only 14 percent of the American people believe in it, is at risk. And if this institution is at risk, the fundamental basis of trust and the sense that the Congress of the United States represents the people is also at risk.

Why is it? Why is it that 79 percent of the people think we are more interested in representing the special interests instead of representing the public interest? Why is it that only 14 percent of the public approves of the way that Congress is conducting its business, 20 to 30 percent below prevailing poll figures, even in times of disillusionment in the past; a figure that by its magnitude is so different than the normal criticism of our politics going back over our 200-year history that it ought to alarm each and every one of us.

Part of it, is the way—we all know this—that we conduct campaigns. When it takes \$4 million on the average to be elected to the U.S. Senate, to run a successful Senate race, \$4 million, no wonder the people look at that and say, "Do they come here to represent the people like us or do the people who give them all that money to get them elected really have their attention and the use of their time?" When they look at the fact that in the 1992 congressional elections, spending jumped 52 percent more, that the problem is getting worse, to \$678 million, they have a right to ask us, "How long are our trustees who are in a place to vote for laws to change it going to wait before they reform this process?"

When they look at the fact that over half the Members of Congress received over half of their campaign contributions not from the people back home but from special interest groups, political action committees, lobbyists located principally here in Washington with virtually no connection to their home States, they come to the conclusion that those people who are there in office could not really care as much about us or represent us as well as they do the special interests.

When they understand how much of our time is taken to raise that money—\$13,000 a week it comes out on the average, every week for 6 years, to raise the \$3.8 million needed to win—they say, "Do the Senators really have time for people like us? Do they have time to worry about our problems? Do they have time to take care of the Nation's business?" They come to the conclusion that we do not.

Just since June 17 of last year when we passed this bill on a vote of 62 to 37, the average Member had to raise \$572,000 more. And where does the money come from? More and more it is coming from the special interest groups, as I mentioned—over half the Members receiving more than half their contributions. And to whom do the special interests give their money? To whom do the political action committees, PAC's, give their money? Do they give it overwhelmingly to the Republicans? No. Do they give it to people because they are Democrats? No. Because they are liberals? No. Because they are conservatives? No.

They give it to incumbents, because incumbents are here and they already have the vote on those economic interests that affect the pocketbook of the narrow interest group that is involved.

In the 1992 elections on the Senate side, political action committees gave \$6 to incumbents for every \$1 they gave to challengers. In the House in 1992 they gave \$10 to incumbents for every \$1 they gave to challengers. And we all know that the statistics show that in the vast majority of cases, the candidate who raises the most money wins the election.

Something must be done. I have worked as hard as I could during my service here, and now we are down to the last remaining weeks. I will work to the last day I am here to try to get campaign finance reform passed, and other reforms vital to this institution, so at the very least I can leave here knowing that I have tried to do everything I could while I was here to revitalize this institution, to keep it strong for the next generation, to allow people of talent and integrity, who want to render public service but who cannot, perhaps, figure out how to raise \$4 million from special interest groups—to allow them to have a chance to run for office and serve in the U.S. Senate; to let our pages who are here on the floor seeing democracy at work, as they dream about their futures, have them spend their time thinking about what they would like to contribute to this country, the ideas they would like to bring forward, and not have them spend their time thinking about how in the world would I raise all that money if I ever wanted to run for office?

Something has to be done, Madam President. As I mentioned, on June 17, 1993, we passed this bill. We invoked

cloture by a vote of 62 to 37; we voted final passage on this bill by a vote of 60 to 38. We had a significant number of highly regarded Members on the other side of the aisle vote for cloture and vote for final passage.

This is not a Republican issue. This is not a Democratic issue. I do not seek a Democratic bill. I am not trying to pass a bill—and I think my record here demonstrates that—that would favor one party over the other. I was one of those on this side of the aisle who, in conscience, could not support the President's budget. I have said I would not vote for a party-line health care bill. I will not bring back to this body a campaign reform bill that seeks advantage for my party. I am trying to seek what is in the national interest.

Madam President, we have had informal discussions with some of those on the House side and we have held fast to those provisions that were—particularly those provisions—that were recommended by Members from the other side of the aisle.

I see the distinguished Senator from Arizona has come on the floor. He made some very significant and important changes in the campaign finance reform legislation when it was on the floor. A position I have taken in informal discussions on the House side so far has been to say the amendment offered on the floor by the Senator from Arizona must stay in the final bill when it comes back, or this Senator will not bring it back. I have taken that same position on important changes to reduce the influence of political action committees, PAC's. They were made by both sides of the aisle, but especially including those made by Senators on the other side of the aisle who said we do not want a bill that has one set of rules regarding PAC contributions for Senators and one set of rules for House Members.

We have kept faith in our discussions with every single one of the points that have been brought to us by those on the other side of the aisle who have supported this legislation. And here we are. We are going to vote tomorrow, not on campaign finance reform, not vote to do something about the problem. Do you know what we are going to vote on? We are going to vote on whether or not we approve a motion to disagree with the House on the House amendments—which I think virtually every Senator here would disagree with the amendments that the House made and would want us to stay as close as we can to the Senate bill.

Madam President, before we can finally pass campaign finance reform, before the end of the session, several things have to happen. This Senate and the House have to have a conference to work out our differences in this bill. And then we have to bring that conference report back here to be voted upon.

Madam President, I ask 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. May I just inquire—just reserving the right to object—how much time remains on both sides of this debate?

The PRESIDING OFFICER. The Senator from Connecticut controls 25 minutes and 52 seconds. The Senator from Arizona controls 5 minutes.

Mr. DODD. We are going to treat that as 30 minutes to be shared by everybody here, so my colleague from Arizona is not restrained in any way, nor are Members on the other side, from being heard on this.

Just 2 additional minutes. I would appreciate it, so we could cover as many people as possible.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. BOREN. Madam President, I thank the Senator from Connecticut. I was just pointing out in order for us to begin to have an official conference with the House of Representatives, we have to do three things: We have to adopt a motion to disagree to the House amendments, and I think clearly we do disagree; we have to adopt a motion to request a conference with the House; and we have to adopt a motion to authorize the Presiding Officer to appoint conferees.

That is usually automatic. I think I can count on one hand the number of times—and I am not sure I have ever seen it happen before, but certainly not over two or three times in 16 years—we have ever had to vote on these motions. It has been automatic. Of course, if you have a difference of opinion, you have a conference, you try to work it out, you see what the product is, and then you come back and vote on it.

Now we are threatened—and we had to file cloture motions—with the possibility of a filibuster on the motion to disagree with the House amendments, and another filibuster on a motion to request a conference, and another filibuster on a motion to authorize the appointment of conferees so we can even talk to the House of Representatives on a matter of this importance to the future and life of this institution and its role in our society.

It is unthinkable, Madam President, that after passing a bill by a vote of 60 to 38 and invoking cloture on it previously by a vote of 62 to 37 that parliamentary tactics would be utilized to prevent us from even sitting down with the Members of the House to have a conference to bring it back.

Madam President, when you see how the rules of the Senate can be abused on a matter of this importance, it is amazing to me that we still have a 14-percent approval rating. It is a bit too high, in my estimation, if we are going to proceed in this kind of manner on a matter of this importance on the floor of the U.S. Senate.

The PRESIDING OFFICER. The Senator's time has expired.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. McCain. Madam President, I would like to thank my colleague from Connecticut for his generosity with the time. I would like to yield to the Senator from Kentucky 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McConnell. Madam President, I thank my friend from Arizona for yielding the time. First, I want to commend him for his outstanding leadership on the whole question of whether America should be involved in Haiti. Obviously, at this point, we can only pray for the safety of our soldiers. We can certainly commend, as the resolution does, President Carter and Senator Nunn and Gen. Colin Powell for their negotiating skills allowing the ill-advised entry of our troops into Haiti to occur without incident.

A great problem, of course, is now we are in Haiti. The problems have begun already. Certainly, President Aristide is not happy with the deal. Violence is still occurring in Haiti. I gather we are reconsidering today the rules of engagement. American troops are going to be in Haiti, at least at some level, for up to 18 months. Maybe they are going to be the local police force. Certainly, that is not what our military people are trained to do. In short, they are going to be in harm's way for up to 18 months, all in a country in which clearly the United States has no national security interest.

So, Madam President, even though I am going to vote for the resolution, I certainly hope that the President will realize early on and very soon that American troops ought to be out of Haiti. No good can be accomplished with the entry of American troops into a domestic dispute. Haiti looks a lot like Somalia these days.

We all learned an important lesson in the post-cold-war environment with our entry of troops into Somalia. What started out to be a feeding mission, as we all know, evolved into nation building. Nation building, plain and simple, as many other Senators have stated, is choosing sides in an internal dispute. That is clearly what we are doing in Haiti.

I hope the President will conclude that this kind of venture in the future is not a good idea. In the post-cold-war world, obviously the challenges are a little more subtle. In the cold war, it was pretty easy to tell who the good guys were and who the bad guys were.

It was the United States and our allies and the Soviets and their allies and everybody playing themselves off against each other. Now we are the only world power. I think we should continue to be the only world power, but I think it is extraordinarily important for us not to dissipate that power, not to overuse it, not to insert it willy-nilly into every conceivable conflict.

It seems as if the strategy of this administration is to continue to weaken defense and threaten to use our military everywhere. It seems to this Senator, and it is not an entirely unique thought, that our policy ought to be to maintain a strong national defense, consistent with the world's only superpower and that status, but rarely use that power, and clearly use it only when it is absolutely apparent, abundantly clear, that our national security interests are involved. And by any standard—any standard—we have no national security interest in Haiti.

So, Madam President, we are going to vote on this resolution shortly. I assume it will be largely supported. I think this is a very sad day for American foreign policy to see our troops in this hapless country arbitrating disputes among factions. It is certainly an ill-advised decision, but now our troops are there, and we pray for their safety.

Madam President, when Colin Powell retired in 1993, there were many stories recapping his distinguished career. One in particular caught my attention not because it reviewed his record of accomplishment, but because it recounted the 13 rules that Powell has lived by which so clearly is the basis for this success. Most were characteristically optimistic, compassionate, and reflected the general's strong sense of honor, decency, and ethics.

In thinking about events over the past weeks in Haiti, and the general's crucial role in securing an agreement, Powell's rule No. 6 was apparent: "Don't let adverse facts stand in the way of a good decision." From my perspective, General Cedras, General Biampy, Colonel Francois, their loyalists and their conduct fall into the category of "adverse facts." But looking at the situation from a soldier's perspective—through the Powell prism—a good decision is one which avoids unnecessary bloodshed. General Powell, Senator Nunn, and former President Carter deserve a great deal of credit for avoiding an invasion and the risks that such action could have involved for American service men and women.

But, there are two other Powell rules that I want to mention, rule No. 7, "You can't make someone else's choices. You should not let someone else make yours," and rule No. 8, "Check small things."

I think those are good rules to apply to the debate today. The Senate has the responsibility to look at the details—to check small things—and carefully, objectively and independently

evaluate the President's choice to deploy over 10,000 soldiers to Haiti. With so many lives at stake, with our Nation's credibility at risk, we shouldn't let someone else make a choice without thoroughly considering the "small things," like the decision's merits.

In doing so, I find myself asking precisely the same questions this week as I did last week. What are our goals? What are the rules of engagement?

How, when, and under what circumstances will the administration transfer command of American troops to the United Nations?

A week ago, the President and Ambassador Albright maintained that our objective was to remove the military junta from office and the island, in other words completely remove the threat. Secretary Christopher disagreed and indicated removal from power was the objective. President Carter seems to have agreed with the Secretary of State. In fact, he publicly rebuked the President's position saying, "It is something that is not understood by most people. It's a serious violation of inherent human rights for a citizen to be forced into exile." Our basic goals seem confused.

If we are not quite sure why we went in, can we answer what are we actually doing in Haiti? General Shelton says it is not to disarm the population. In fact, he and the Chairman of the Joint Chiefs have made clear that we will also limit our security role and allow the Haitian police and military to continue to carry out day to day law enforcement. Intentionally or not, I think many Haitians will believe that the United States has become a silent partner in oppression.

The lead paragraph in the Post today says it all: "In plain view of American soldiers, Haitian police wielding rifle butts and clubs attacked crowds of demonstrators who streamed through this capital today to sing, dance, and cheer United States troops flowing into the country. Witnesses said at least two of the demonstrators were clubbed to death."

Their friends and family must be wondering why we are there? Who's side are we on? Democracy or dictators?

Like it or not, our presence presumes responsibility. We will be held accountable not just by Haitians, but by the world, for the political, security, and economic conditions, and problems which develop.

The American public is understandably and most immediately concerned about the danger that our soldiers may be caught up in a civil war. I think that concern is well founded and guided the military's decision not to engage in disarming the population, to limit the rules of engagement to fire only under hostile fire, and to restrict our involvement in civil disturbances.

But, even if we can stretch our imaginations to assume that our sol-

diers will be able to serve in the shadows, there are other emerging problems driven by the ambiguities of the agreement which was negotiated which must be addressed.

Frankly, most disturbing is the confusion surrounding the matter of general amnesty. There are serious questions to be asked including who is going to pass this law, who will it cover and what crimes will be pardoned? The current Parliament is one that has been justifiably denounced by the administration and the international community as illegitimate. Elections held by the military last year filled 13 parliamentary vacancies left by members who fled with Aristide. Secretary Christopher has said the United States would try to arrange the return of the 13 recognized parliamentarians prior to drafting and passing an amnesty law. I hope that this can be achieved but seriously question the feasibility of such an exercise. Failure to restore a legitimate parliament would be a crippling blow to democratic prospects.

After establishing who will pass the law, the administration has to resolve questions about who it will apply to and for what crimes. Secretary Christopher has indicated it should cover all 7,000 members of the military. He argues, as does the President that a general amnesty was inherent in the Governors Island accord.

This overly broad interpretation should shock our collective conscience. When he rallied the nation to the cause of invasion, the President was graphic in his descriptions of the military regimes brutality. He explicitly described:

* * * a campaign of rape, torture, and mutilation. People starved, children died, thousands fled * * * a reign of terror (with) people slain and mutilated with body parts left as warnings to terrify others; children forced to watch as their mother's faces are slashed with machetes.

Now, the President expects us to say, "Never mind."

It may have been a necessary evil to amnesty the political offenses associated with the actual coup. But for the United States to protect Cedras and his loyalists from any consequence for their monstrous atrocities so vividly documented and recounted by the President is an assault on the principles enshrined in our Declaration of Independence, upheld in the Constitution, and embodied by the Judeo-Christian ethic which guides our Nation.

In one breath the President calls a nation to arms to eject brutal thugs who—

* * * gunned down Father Jean-Marie Vincent, a peasant leader and close friend of President Aristide. Vincent was executed on the doorstep of his home, a monastery. He refused to give up his ministry and for that he was murdered.

Hours later, he asks us to abandon any thought of Father Vincent, aban-

don our sense of right and wrong, abandon good judgment, abandon our principles, and spare Cedras any consequence for his conduct. In fact, the President has asked us to go one step further and allow the military junta access to their frozen assets.

When thugs pay no price, indeed, in this case are paid off, we become a nation of hypocrites. We literally snuff out the torch of liberty and truth.

The Pledge of Allegiance our citizens embrace, the very envy of most nations, does not say, "with justice of all—except thugs who outlast our threats and survive an international siege." Our Nation, our communities, and our families believe in liberty and justice for all, not for just some, not just for the moment, not just for the sound bite.

Sparing the military any consequence for their campaign of deliberate atrocities compromises America's image as democracy's standard bearer, unless of course we accept double standards and deceit.

Madam President, a few short months ago, we completed a painful chapter in American history. American soldiers left Somalia. Today, by all accounts, Somalia is no closer to democracy, no closer to peace, no closer in fact to having a government than it was before the United States began the misguided mission of nation building. In the sad words of our Ambassador, "There's no more Somalia. Somalia is gone."

Our policy in Somalia failed, we lost 36 Americans because we had no clear purpose, our troops had a murky mission, at best, we were attempting to establish democratic institutions and impose principles of conduct in a country with no practical experience or history to guide them through the changes.

Once again, it is unclear what our purpose is, indeed it is unclear that Aristide, the leader we are attempting to restore welcomes our role or shares our goals. Our soldiers have unclear guidelines and an uncertain operational mission. I do not doubt Haitians wish for democracy, but as Charles Krauthammer so aptly said, "we are to restore democracy to a country that has never had it, build a civilian controlled military where it has never existed and create a secure environment for the peaceful transition of power among murderous rivals."

In applying the Powell axiom, in checking the details, what he calls the small things, I find big problems. I do not believe the resolution before the Senate begins to address these significant issues, nor do I believe the agreement negotiated by President Carter's able team resolves the crisis in Haiti. I think the crisis has just begun.

As it unfolds, American men and women in uniform deserve our recognition, support, and the knowledge that

the chain of command will take every step necessary to assure they are well equipped, prepared, and capable of carrying out a clearly defined mission. I commend the leadership's effort to draft a resolution which clarifies the Senate's support for our soldiers and the hope that they will be brought home as soon as possible. But in the coming days and months they will need more than our declarations of pride. Their well being depends on establishing credible goals and sensible policy.

Yesterday, David Broder pointed out that:

The President and his national security advisers are singularly lacking in any long term policy perspective. Each step of Haitian policy—from the initial offer of an American haven for refugees to the fateful decision to go beyond economic sanctions to the threat of force—was taken as if it would somehow resolve the problem by itself.

I agree; there is little evidence that administration has developed a long term, coherent strategy. The resolution before the Senate is a statement of the obvious—our pride in our soldiers, our opposition to the junta, our respect for our colleague Senator NUNN, as well as General Powell and President Carter. But, I think it is essential for the public to understand, that the Senate continues to harbor major reservations about the purpose of this occupation. With several thousand lives on the line, the time for ad hoc policymaking has passed. Continued failure by the administration to clearly define and defend our interests such as they may be in Haiti will provoke a cut off of the public's support and congressional funding.

Many years ago, a young man wrote a letter explaining why he could not serve in Vietnam. A young Bill Clinton said he could not fight in a war the American public did not understand and did not support. As he sends our soldiers into Haiti for an indefinite period of time, President Clinton would do well to heed his own advice and justify America's purpose, explain the policy, and seek our support.

The PRESIDING OFFICER. Who yields time?

UNANIMOUS-CONSENT AGREEMENT

Mr. DODD. Madam President, just very quickly, on behalf of the majority leader, I ask unanimous consent that at 3 p.m. today, the Republican leader be recognized to use as much of his leader time as he chooses; that following the Republican leader's statement, the majority leader be recognized to use as much of his leader time as he chooses; that upon the conclusion of the majority leader's statement, without intervening action, the Senate vote on adoption of Senate Resolution 259.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Madam President, I yield 15 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. GRAHAM. President Carter, General Powell, and Senator NUNN deserve this country's gratitude in negotiating an agreement with the de facto Haitian Government which has allowed us to avoid the necessity of a military invasion. The President deserves our commendation as well for his willingness to use this last opportunity for diplomacy in order to achieve our objective of restoration of democracy in Haiti. That is why I strongly support this resolution. I hope that we will be able to remove our military troops from Haiti at the earliest possible date consistent with the protection of the United States interests. This resolution speaks to that issue and is another reason for Senate support.

Our negotiators' achievement, in my judgment, proved a truth in our dealing with Haiti, and that is that it required two steps in order to avoid the use of force. The first of those steps was the credible willingness to use force. For 3 years, we had negotiated with the military leadership in Haiti, and as long as that leadership doubted our resolve, it was unwilling to voluntarily transfer power.

The second element was creative diplomacy inserted at the critical moment, at the moment when that realization that we were serious about our resolve to restore democracy finally took hold in the minds and the spirit of the military leadership of Haiti.

It was that combination which led us to the result that we were able to avoid having to actually use force.

Madam President, I would like to talk today not so much about what has happened but what I think should and will happen if we learn well the lessons of our recent experience in Haiti.

First is the chapter of the book on Haiti which I will describe as the transition chapter, those things that should happen between now and the mid point in October when the military leadership has agreed to step aside, and shortly thereafter the return of President Aristide. We, the United States, and the international community during this period must more carefully and precisely define the rules of engagement for our troops. We clearly must do everything to ensure their safety, as well as their appropriate use in the safety of the citizens of Haiti.

President Aristide must set to work in reassembling his government. That reassembly will require the naming of a prime minister, a chief of the armed forces, and a civilian police chief. In doing so, I hope that President Aristide will reach out to all sectors of the Hai-

tian society to build support for his choices. We must stand ready to help in any appropriate way.

We also must help President Aristide put in place an economic plan that puts people back to work quickly while building a solid foundation for growth over the long term. There will be tremendous expectations of the people of Haiti, already the poorest country in the Western Hemisphere, who have been driven into even further misery as a result of the last 3 years of authoritarian rule.

Particularly important in this rebuilding process will be the restoration of a private sector which 3 years ago provided substantial employment for the Haitian people.

We must lift with our international partners those parts of the embargo which will most quickly benefit the people of Haiti. Areas such as transportation and energy should receive a priority in lifting the embargo so that they can assist in the rebuilding of the society. Other elements of the embargo should await further political developments, and some elements of the embargo, such as the embargo against the provision of military equipment and ammunition, should only be lifted over time.

We must as quickly as possible train a police force that respects the human rights of the Haitian people. I am pleased that as we speak an effort is being made among the 14,000-plus Haitians at the United States Naval Base in Guantanamo Bay to identify and recruit and commence the training of those persons who desire to serve in a civilian, independent, human rights-respecting police force for Haiti. Those are all challenges of the next few weeks.

Madam President, in my opinion, the Haiti experience represents a critical chapter in our post-cold-war era. Just as the events that surrounded Greece in the period after World War II became the basis of an important doctrine that sustained us throughout the cold war period, the doctrine of not allowing Communist expansionism, I believe that there are some important lessons that will be significant beyond Haiti in this post-cold-war era.

As has been stated moments ago by Senator MCCONNELL, the nature of the threat has clearly changed. No longer have we the luxury of focusing on a single, massive, potent adversary. The post-cold-war world will require greater flexibility, the nuances and intuition of knowing a particular society, how to use a variety of responses to unique threats, each with their own special characteristics. We must rethink and restructure in this more complex world.

Part of that rethinking and restructuring will require closer relationships between the executive and legislative branches. Just as was the case in post-

World War II America, where a bipartisan foreign policy was developed, a foreign policy that sustained us for the better part of 45 years, a similar effort at structuring a bipartisan foreign policy with a commitment both from the executive and the congressional branches for its fulfillment will be critical in this post-cold-war era.

The Western Hemisphere is clearly being recognized as a region of special importance to the United States. That has been the case throughout our history. But for much of this century our focus has been elsewhere—on Europe or on the Pacific basin. I remain frustrated that oftentimes our debates assume the only national security interests for the United States are those which are found, for instance, in the North Atlantic region. I believe that the United States not only has a historic interest in the Western Hemisphere but also as we move into the post-cold-war era there will be a tendency for the democracies of a particular region, whether it be in Asia or in Europe or in the Western Hemisphere, to accept the reality that they have a special responsibility for the democracies of that region.

Clearly, the United States must provide a significant amount of the leadership in doing so in the Western Hemisphere. The protection of democracy has been elevated in terms of an important component of our national interest, a component worthy of aggressive diplomacy and, if necessary, a diplomacy backed by force. We will need to look for new institutions in terms of meeting these post-cold-war challenges. Regional security arrangements, for example, are already being seriously discussed in areas such as Africa and the Middle East. I believe it would be very much in the United States interest through the Organization of American States to encourage regional security arrangements within the Western Hemisphere. The alternative to such arrangements is either a crisis ignored and allowed to fester and become a greater threat to the region or calling upon the United States as the singular cavalry for each Western hemispheric flash point.

Mr. President, for the better part of a half century, the United States has been involved in the training and equipping of militaries throughout the Caribbean and Latin America. This is a time to revisit what are our goals in our relationship with an institution, the military, which is important in almost all of the countries of the Western Hemisphere. It is my hope that we will begin to use our resources in order to encourage a different kind of military, one that emphasizes such areas as civil works, such as our Corps of Engineers, life and safety protection such as our Coast Guard, and emergency assistance and reconstruction activities which are increasingly being played by

our military services. I believe that the United States can assist in an appropriate and respectful reformation of an important institution, an institution that should not be challenging democracies, as it has in Haiti, but, rather, sustaining democracies as it has for 200 years in the United States.

Finally, Madam President, a lesson that we have learned from this Haiti experience is that delay does not make decisions easier. Throughout this crisis, there has been a theme of putting off decisions in hopes that the problem would go away or become more practical. The fact is that has not happened. There were points along the road when a more assertive U.S. policy could have avoided reaching the end that we currently find ourselves. Ideally, we should have moved immediately after the coup with the kind of international diplomacy based on the outrage of the world community for what happened in September 1991, or during the time when the military dictators stiffed the Governors Island accord and turned back our ship, the *Harlan County*, at the port of Port-au-Prince. Those were opportunities that were missed. I believe that we have paid a price for our assumption that delay would lead to an easier course.

Madam President, Haiti is not the last challenge that we are going to face. As we struggle to develop new ways to define our interests in an increasingly multipolar world, I hope that we can all assume some humility in acknowledging that none of us has the answers in this complex post-cold-war era. The strength of our democracy includes debates like the one that we have been having over the past several days on Haiti, debates which help us to better understand our national interests, better develop a national consensus so that a critically important foreign policy can be framed for the 21st century as our grandparents did the last half of the 20th century.

Mr. McCAIN. Madam President, I congratulate the Senator from Florida for his continued advocacy of freedom and democracy in Haiti.

Madam President, I would like to yield 5 minutes to the Senator from Texas [Mrs. HUTCHISON] followed by 5 minutes to the Senator from North Carolina [Mr. HELMS] which I believe will be the expiration of all time. I ask unanimous consent that Senator HELMS be allowed 5 minutes of the leader's time, for a total of 10 minutes, and that has been cleared by the leader on this side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Madam President.

Madam President, my predecessor in office was a Shakespearean scholar. I could never compete with him in relat-

ing Shakespearean lessons to our times. But the relationship of "Hamlet" to our invasion of Haiti by President Clinton jumped off the pages of literature.

Hamlet, witnessing Norway's Army commanded by Fortinbras causing Denmark to go to war on Poland for "a little patch of ground" said:

Examples gross as earth exhort me:
Witness this Army of such mass and charge,
Led by a delicate and tender prince,
Whose spirit with divine ambition puffed
Makes mouths at the invisible event,
Exposing what is mortal and unsure
To all that future, death and danger dare,
Even for an eggshell.

What is the United States security interest in that "little patch of ground" in Haiti that would cause us to risk American troops?

I applaud my distinguished colleague, Senator SAM NUNN, and the other two emissaries, former President Carter and Gen. Colin Powell, because they did an outstanding job, and they bought time which helped avoided an ill-considered invasion. I think it is our responsibility to support our troops and to assure their safety.

I ask the President now to define this mission. What are the rules of engagement for our forces? What are our objectives? Can these objectives be reasonably achieved? Have the unique risks to U.S. troops been fully considered? What if the supporters of General Cedras and President Aristide are in conflict? What will our role then be, and how will we maintain the safety of our troops in this type of police mission?

Madam President, I think the President should come and report to Congress and to the American people. He needs to set the parameters of this mission. He needs to set a timetable for withdrawal and determine and report the full costs of this operation. The estimates that we have been given range anywhere from \$500 million to \$850 million. What is total cost going to be to the American people?

I think we should have learned a valuable lesson in Somalia as to the real costs associated with this type of operation and the consequences for failing to define the mission. In Somalia, our soldiers were on the front lines in support of a U.N. mission that quickly escalated from a humanitarian mission to police action to armed conflict in which soldiers were killed in an ill-considered mission trying to capture an illusive warlord. I will never forget the testimony of the father of one of our lost soldiers in Somalia. With tears streaming down his face, having served in Vietnam himself, saying, "What did my son die for, Senator?"

Madam President, I will never feel entirely comfortable talking to a parent who has lost a child serving on a mission for the United States, but if someone's son or daughter must die in

support of an operation, that mission must not be a U.N. mission but a U.S. mission—a U.S. mission that we in Congress agreed to.

So I ask the President these questions: What is the mission, and what is our role? I think it is very important that we answer these questions now because the American people are looking for the answers. Why are we in Haiti?

Madam President, I thank my colleague from Arizona. I appreciate the opportunity to talk about this subject. I hope we get the answers. I hope we learn soon what the mission is and that a time limit has been set for our participation in this operation so that we will not have to have another resolution in the future to ask the question why we are there, and hopefully we will not have to answer the question why we lost even one of our American troops in support of this ill-defined mission.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 10 minutes.

Mr. HELMS. I thank the Chair.

Madam President, it may have been Winston Churchill—I cannot remember for certain—who first cautioned that all citizens should heed the axiom that politics should unfailingly stop at the water's edge.

For my part, I thank the Lord that as of this moment, no American has lost his life in the strange drama unfolding in the miserable piece of geography known as Haiti.

On reflection, there were credible and obviously accurate predictions among knowledgeable sources in this city weeks ago that there would be no invasion of Haiti by the United States troops because countless millions of the American taxpayers' dollars would be committed in a financial arrangement acceptable to those who had participated in, or given support to, the ouster of the unbalanced Aristide in the first place.

And, incidentally, Madam President, it is intriguing to note the number of left-of-center editors and commentators who have changed their tunes about this man Aristide. A year ago, it was fashionable for the media to go out of their way to circulate distorted praise of Mr. Aristide. Some called him a second George Washington—the biggest laugh of the year. You do not read or hear much of that any more. Aristide, like the fabled emperor with no clothes, has been exposed for what he is—and has been all along.

Only Aristide's high-salaried press agents, hired and paid vast sums of money to flack for this man manage to now keep a straight face when talking about restoring democracy in Haiti.

There has never been any democracy to restore in Haiti. Aristide—he who has proclaimed the sweet odor of the burning flesh of his screaming political

adversaries as their lives are snuffed out by so-called necklaces of tires filed with blazing gasoline—he who has been identified all along as a Marxist—this strange, pretentious man has never been a symbol worthy of support by the U.S. Government and the U.S. taxpayers.

Madam President, the vast majority of Americans are justifiably relieved that, thus far, no American life has been lost in the Haitian fiasco. But, sad to say, bad news is coming from another direction for American citizens who work and pay taxes. The bad news: By conservative estimates this solution to the Haitian problem, for which the President is taking bows, is certain to cost the taxpayers in the neighborhood of \$2 billion—perhaps far more than \$2 billion.

Just for openers, at least \$891 million can already be specifically identified, involving 16 categories of U.S. expenditures. I shall offer for the RECORD a footnote for each item identifying the source. Several were made available by Ms. Wendy Sherman, Assistant Secretary of State for Legislative Affairs. I ask unanimous consent that this information be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COSTS OF U.S. POLICY IN HAITI

\$372 Million¹—DOD costs for next 7 months of Haiti occupation.

\$187 Million²—DOD/Coast Guard retrieval of Haitians at sea.

\$103.5 Million³—U.S. Economic aid for FY1995.

\$55 Million⁴—DOD cost for transporting 12,000 troops and equipment into Haiti.

\$50 Million⁵—DOD equipment and training for MNC participating countries.

\$30 Million⁶—Haitian Refugee Safe Havens.

\$28.7 Million⁷—Training of Haitian civilian police force.

\$15 Million⁸—Emergency military equipment and training for Dominican Republic.

\$13.67 Million⁹—U.S. humanitarian assistance to Haiti (1-94/9-94).

\$8.46 Million¹⁰—Police monitors and ICITAP.

\$7.15 Million¹¹—Child survival programs for 1994.

\$7 Million¹²—Haitian refugee processing.

\$5.99 Million¹³—Family planning programs for 1994.

\$4.6 Million¹⁴—Immediate economic assistance.

\$1.78 Million¹⁵—Embargo enforcement aid for Dominican Republic.

\$1.5 Million¹⁶—Emergency training for Jamaican forces.

\$891 Million—Total.

FOOTNOTES

¹DOD estimate, reported in Miami Herald, 9-3-94, pg. 32A.

²DOD estimate, reported in Miami Herald, 9-3-94, pg. 32A.

³USAID Congressional Presentation Document for FY95 Budget request (includes \$9 million in FY94 carryover).

⁴DOD estimate, reported in Miami Herald, 9-3-94, pg. 32A.

⁵Congressional notification from Assistant Secretary of State Wendy Sherman, 9-17-94.

References at the end of article.

⁶Congressional notification from AS Wendy Sherman, 8-24-94.

⁷Congressional notification from AS Wendy Sherman, 9-16-94 (pursuant to determination by Secretary of State Christopher, September 15, 1994).

⁸Congressional notification from AS Wendy Sherman, 8-27-94. Presidential determination 94-34, 7-15-94.

⁹USAID/OFDA document, 9-1-94.

¹⁰Congressional notification from AS Wendy Sherman, 9-9-94 (pursuant to determination by Secretary of State Christopher, September 13, 1994).

¹¹Congressional notification from USAID, 8-14-94.

¹²Presidential determination 94-31, 8-1-94 (MRA assistance).

¹³Congressional notification from USAID, 8-14-94.

¹⁴Congressional notification from AS Wendy Sherman, 9-15-94.

¹⁵Congressional notification from AS Wendy Sherman, 8-17-94 (pursuant to determination by Secretary of State Christopher, August 16, 1994).

¹⁶Congressional notification from AS Wendy Sherman, 8-17-94. Presidential determination 94-41, 8-8-94.

Mr. HELMS. Madam President, let me go down the list of these items at the taxpayers' expense: \$372 million—that is the Department of Defense cost for the next 7 months of the Haiti occupation; next, \$187 million is the cost of Department of Defense/Coast Guard retrieval of Haitians at sea, and much of that has already been spent; \$103.5 million in United States economic aid for fiscal year 1995; \$55 million for Department of Defense cost for transporting 12,000 troops and equipment into Haiti; \$50 million for Department of Defense equipment and training for Multi-National Coalition participating countries; \$30 million for Haitian refugee safe havens; \$28.7 million for training of Haitian civilians for the police force; \$15 million for emergency military equipment and training for the Dominican Republic; \$13.67 million for U.S. humanitarian assistance to Haiti; \$8.46 million for police monitors and other equipment; \$7.15 million for child survival programs; \$7 million for Haitian refugee processing; \$5.99 million, family planning programs for 1994; \$4.6 million for immediate economic assistance; \$1.78 million for embargo enforcement aid for the Dominican Republic; \$1.5 million for emergency training for Jamaican forces for a total of \$891 million already committed. I have already obtained unanimous consent for that information to be printed in the RECORD.

Mr. President, when phase II of the Haitian operation begins—meaning when the United Nations takes over—the United States taxpayers, as always, will be expected to pick up 31 percent of all of the United Nations' costs. This will cost the American taxpayers a minimum of \$67 million for the first 6 months alone.

And since the United States is by far the largest contributor to both the World Bank and Inter-American Development Bank, that will be another enormous cost to the American taxpayers.

So, Madam President, former President Carter, General Powell, and Senator NUNN, are entitled to sincere congratulations for their roles in all of

this. They were presumably instructed by President Clinton to trigger the massive expenditures which I have described. They did what their Commander in Chief told them to do, and they did it well, and all of us have a deep sense of gratitude.

How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. HELMS. That certainly includes the U.S. troops involved. I am particularly mindful, being from North Carolina, of the thousands of marines based in North Carolina, and the 82d Airborne at Fort Bragg—and, of course, of the families of all of these fine young men and women.

I want to support an appropriate resolution commendation. But the Senate should not be asked to support a political commendation such as the one drafted by the distinguished majority leader.

Sometime, many years from now, the curtain of elapsed time may be drawn back so that historians may inspect the reaction of Congress on this matter in September 1994.

This should be no puff job. It should state honestly and candidly that this very same alternative that the President implemented over the weekend was available and rejected 7 months ago, in February. It was called The Parliamentarian's Plan, which had been negotiated by U.S. Ambassador Pezzullo before he was dismissed because he attempted to resolve the matter in a peaceful manner. The Parliamentarian's Plan is remarkably similar to the agreement negotiated by President Carter.

It also should be noted and made a matter of record that Senator DOLE recommended this past May that the President send Gen. Colin Powell to Haiti—a suggestion that was met with complete silence at the White House. Madam President, now that more than 6,000 United States troops are on the ground in Haiti, it is appropriate to bear in mind that October 3 will mark the first anniversary of the death of 17 Army Rangers on the streets of Mogadishu, Somalia. That operation took place in the name of U.N.-sponsored nation building—not U.S. security.

I will close on one final note. Look at what happened on October 3 a year ago, and then consider the potential that could happen still in Haiti. *Res ipsa loquitur*, the thing speaks for itself.

I reserve the remainder of my time and I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Montana.

Mr. BURNS. Mr. President, I rise today with grave concerns. Our brave troops have landed in Haiti as an occupying force, as peacekeepers. President Clinton has thrown our troops into a foolhardy mission, full of dangers. The

invasion turned into an occupation with our troops acting as peacekeepers.

This is a shortsighted policy and it is our troops who are being sacrificed. Haiti is not a democratic country, and Aristide is not a proven democratic leader. As President, he ruled with an iron fist, using terror and violence against his own people.

Aristide is a thug in his own right. I want to know, and Montanans want to know, what are we doing in Haiti? What is the mission, the goals?

President Clinton did not consult with Congress, nor did he seek congressional approval before committing our troops. He did not have the support of the American people. His public address did not give a clearly defined mission, nor a deadline for the withdrawal of United States troops from Haiti. A mission without goals or support is a mission doomed to failure.

And now we find that the operation has changed. An 11-hour scramble produced an agreement with Haitian General Cedras. I know we are all relieved that an invasion was averted. But the clock is still ticking. This isn't over yet.

Lots can happen before October 15 and I don't want us to get bogged down in a useless and dangerous mission.

The thug who was supposed to leave Haiti immediately is still in power. We are giving Cedras a legitimacy that he doesn't deserve. Aristide isn't even happy with these efforts on his behalf. Our troops are on the line and he can't even say thanks.

This whole operation reminds me of Somalia. We want there to restore order. There was more disorder and chaos by the time our troops were untangled.

Which brings up the issue of disengagement. When will our troops come home. This hasn't been determined. How much time and money are we going to sink into this operation?

My sincere hope is that we can get our fighting men and women home safely as soon as possible.

I am not convinced that this is the best course of action. I did not support economic sanctions. It only hurt the innocent people, finally sending them across the ocean in flimsy crafts. And now we are still working against the innocent people. As peacekeepers, our troops can only stand idly by and watch as Cedras' police attack, and even kill, the innocent people. The ones they were supposed to help. Our objectives are still upside down.

I am strongly opposed to this mission. I can't begin to see how this mission is in our national security interest. And President Clinton has not given good, hard reasons for this invasion that convince me that this is the best, and only, course of policy.

Mr. FORD. Mr. President, I ask unanimous consent that I might use 5 minutes of the leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO INVOKE CLOTURE ON THE MOTION TO DISAGREE TO THE HOUSE AMENDMENTS TO S. 3

Mr. FORD. Mr. President, I want to take a different tack, since we have another cloture petition before the Senate.

One year ago, in June 1993, the Senate took a step toward reforming our political process when we passed S. 3, the campaign finance reform bill. In November 1993, the House followed by passing its version of campaign finance reform.

Today, we are attempting to take the first procedural step toward a conference with the House so that we can resolve the differences between the House and the Senate bills. In order to do that, we need to disagree to the House amendments to S. 3. Normally, this is a rather routine procedure to follow. But it only takes one Member to object, and that is what we face today.

This should come as no surprise. We attempted to move to a conference just prior to the August recess, but that request was objected to by one of our colleagues. Under the rules of the Senate, the motion to disagree with the amendments of the House to a Senate bill, as well as a request for a conference and the appointment of conferees, are debatable motions. We have been unable to obtain unanimous consent on this issue, and that is why we are in the process of debating the motion to disagree with the House amendment.

The aggregate costs of House and Senate campaigns have risen nearly six times since 1976, from a staggering \$111 to \$678 million in 1992.

In the 1992 elections, winning Senate candidates spent a total of \$124.3 million, a \$9 million increase over 1990. Winning Senate candidates spent, on average, \$3.8 million, an increase from the \$3.3 million in 1990. The average spent by a winning incumbent Senator was over \$4 million. Recent Federal Election Commission reports continue to show that candidate spending in the 1994 elections is even higher than those.

Mr. President, the record shows that year after year, candidates for Congress are spending substantial sums of money. As a result, candidates have increasingly relied on contributions from PAC's to provide the resources necessary to wage a successful run for the Senate. These statistics point to one conclusion: The money chase continues.

Mr. President, there are differences between the Senate bill and the House bill. The House bill does create a different system of spending limits and benefits for House candidates. That is

to be expected because the House and Senate election cycles are completely different. But on issues like soft money and curbing the influence of special interests, there is much common ground.

Mr. President, given the work of both the House and the Senate, I am confident that the conference report will be the most far-reaching and comprehensive campaign finance proposal to be considered by the Congress. And that is the fundamental question. Will the Congress pass comprehensive campaign finance reform?

Mr. President, I appreciate the fact that there are differences of opinion on the merits of this legislation. That is understandable, and it is defensible. But to oppose this motion to disagree with the House amendments and to require that we file a cloture motion is purely and simply obstructionism at its worst. This type of action is why the public has grown increasingly cynical about this body. They are tired of gridlock and expect the legislative process to permit consideration and action on issues before the Senate.

This body must depend heavily on comity for the process to function efficiently. Any Member can use the rules of the Senate to delay and often to defeat legislation. That is a prerogative of each Member. But such action is obstructionist and reflects a growing tendency for a small minority of Members to stop the process and thwart the will of the majority. And this inevitably leads to stalemate.

The American people do not understand this process. Even more importantly, they have grown tired of it.

I am afraid that this is only the beginning of a long and difficult road for the conference. I am almost certain that the opponents to this legislation and the conference report itself are now guiding and developing the gridlock but not one for the process that could make this Senate and this body efficient. They become the guardians of the status quo.

Why not? The system that they seek to protect is the system that got them here and keeps them here.

Mr. President, despite the partisan nature of this strategy we passed campaign finance reform with bipartisan support. The distinguished Senator from Oklahoma [Mr. BOREN] worked tirelessly with some of our Republican colleagues to gain their support for this legislation. So we know that there is some support for this bill on the other side of the aisle.

The citizens of this country are tired of these obstructionist tactics. The American people deserve a better political system. We should at least have that opportunity to create a system of campaign finance that ends the money chase and that affords all candidates an opportunity to engage in meaningful debate on the issues.

Mr. President, true and meaningful campaign finance reform must not only

curb the excessive influence of special interests and control the money chase. It must also create a system that is fair to all, incumbents and challengers, Democrats and Republicans. I believe that the conference committee will produce a bill that will do just that. And hopefully, it will restore the confidence of the American people in this institution.

We can begin to restore that confidence by supporting this motion to invoke cloture. I thank the Chair, and I yield the floor.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The Senate resumed the consideration of the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to print in the RECORD at this point a letter from President Clinton laying out the objectives and the character of the planned deployment of United States Armed Forces into Haiti.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,

Washington, DC, September 18, 1994.

HON. ALBERT GORE, JR.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am providing this report, consistent with the sense of Congress in section 8147(c) of the Department of Defense Appropriations Act, 1994 (Public Law 103-139), to advise you of the objectives and character of the planned deployment of U.S. Armed Forces into Haiti.

(1) The deployment of U.S. Armed Forces into Haiti is justified by United States national security interests: to restore democratic government to Haiti; to stop the brutal atrocities that threaten tens of thousands of Haitians; to secure our borders; to preserve stability and promote democracy in our hemisphere; and to uphold the reliability of the commitments we make and the commitments others make to us.

From the very beginning of the coup against the democratic government of Haiti, the United States and the rest of the international community saw the regime as a threat to our interests in this hemisphere. Indeed President Bush declared that the coup "constitute[d] an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States."

The United States' interest in Haiti is rooted in a consistent U.S. policy, since the 1991 coup, to help restore democratic government to that nation. The United States has a particular interest in responding to gross abuses of human rights when they occur so close to our shores.

The departure of the coup leaders from power is also the best way to stem another mass outflow of Haitians, with consequences for the stability of our region and control of our borders. Continuing unconstitutional rule in Haiti would threaten the stability of other countries in this hemisphere by emboldening elements opposed to democracy and freedom.

The agreement regarding the transition between the *de facto* government and the elected government, negotiated by former President Jimmy Carter, Senator Sam Nunn, and General Colin Powell, will achieve the objective of facilitating the departure of the coup leaders. Their departure will substantially decrease the likelihood of armed resistance.

(2) Despite this agreement, this military operation is not without risk. Necessary steps have been taken to ensure the safety and security of U.S. Armed Forces. Our intention is to deploy a force of sufficient size to serve as a deterrent to armed resistance. The force will have a highly visible and robust presence with firepower ample to overwhelm any localized threat. This will minimize casualties and maximize our capability to ensure that essential civil order is maintained and the agreement arrived at is implemented. The force's rules of engagement allow for the use of necessary and proportionate force to protect friendly personnel and units and to provide for individual self-defense, thereby ensuring that our forces can respond effectively to threats and are not made targets by reason of their rules of engagement.

(3) The proposed mission and objectives are most appropriate for U.S. Armed Forces, and the forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission. Pursuant to U.N. Security Council Resolution 940, a multinational coalition has been assembled to use "all necessary means" to restore the democratic government to Haiti and to provide a stable and secure environment for the implementation of the Governors Island Accords. The deployment of U.S. Armed Forces is required to ensure that United States national security interests with respect to Haiti remain unchallenged and to underscore the reliability of U.S. and UN commitments.

This crisis affects the interests of the United States and other members of the world community alike, and thus warrants and has received the participation of responsible states in the coalition to redress the situation. The United States is playing a predominant role because it is the leading military power in the hemisphere, and accordingly, has the influence and military capability to lead such an operation. The coalition is made up of representatives from 25 member nations, including the United States. During the initial phase of the operation, the force will be of sufficient size to overwhelm any opposition that might arise despite the existence of the agreement. In the follow-on, transitional phase, forces from other members of the coalition will assume increasingly important roles. At all times when U.S. forces are deployed in whatever phase, they will be equipped, commanded, and empowered so as to ensure their own protection.

(4) Clear objectives for the deployment have been established. These limited objectives are: to facilitate the departure of the military leadership, the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti. We will assist the Haitian government in creating a civilian-controlled security force. We will also ensure the protection of U.S. citizens and U.S. facilities.

(5) An exit strategy for ending the deployment has been identified. Our presence in Haiti will not be open-ended. After a period of months, the coalition will be replaced by a UN peacekeeping force (UNMIH). By that time, the bulk of U.S. forces will have departed. Some U.S. forces will make up a portion of the UNMIH and will be present in

Haiti for the duration of the U.N. mission. The entire U.N. mission will withdraw from Haiti after elections are held next year and a new Haitian Government takes office in early 1996, consistent with U.N. Security Council Resolution 940.

(6) The financial costs of the deployment are estimated to be the following. A conservative, preliminary estimate of Department of Defense and Department of State incremental costs for U.S. military operations, U.S. support for the multinational coalition, and the follow-on U.N. peacekeeping operation is projected at \$500-\$600 million through February 1996. This covers potential costs to be incurred in FY 1994, FY 1995, and FY 1996. Final deployment-related costs could vary from this estimate depending on how operations proceed in the first few weeks, how fast civic order is restored, and when the operation is replaced by a U.N. peacekeeping operation. A preliminary estimate of U.S. nondeployment-related costs—migrant operations, sanctions enforcement, police training, and economic reconstruction—will be provided separately. The Congress will be provided more complete estimates as they become available.

Sincerely,

WILLIAM J. CLINTON.

Mr. DODD. Mr. President, I ask unanimous consent that the remarks of Secretary Perry be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Sec. PERRY. Good afternoon. I was pleased and privileged to be able to welcome President Aristide on his first visit to the Pentagon. While he was here we had a brief discussion in my office and then went down to the Operational Briefing Room of the Joint Chiefs of Staff and took the opportunity then to brief President Aristide on the current and the planned details of the military operations in Haiti.

Among other things, we explained to him that we will have by the end of the day 8,000 military forces in Haiti, and a large contingent at the Port-au-Prince airport, a large contingent at the Port-au-Prince port, and we now have a large group of marines in Cap-Haitien. In addition to that we have a company of Bradley fighting vehicles, dozens of assault helicopters, gunships, and we are landing C-141s and C-5s.

After the briefing, we had a very good discussion on the current situation in Haiti. I emphasized, reaffirmed to President Aristide our commitment to a quick, peaceful return of the president to Haiti. I told him about the steps that we are taking to prevent violence and retain order in Haiti.

We deplored the abhorrent acts of violence that took place yesterday, and I described to him the steps we are taking to minimize the recurrence of those sort of events. In particular, today we arrived and now have fully operational more than 1,000 military police.

I should emphasize the forces that landed Monday and Tuesday were primarily combat forces whose job was to protect themselves in the event that the entry was not peaceful. Since then we have brought in a large number, more than a thousand, I said, of military police, and they will have the specific function of overseeing and monitoring the functioning of the Haiti police force to ensure that they do not use unreasonable restraint in trying to deal with crowd control problems.

We also described to him that we have now a quick reaction force assembled of combat

forces and Bradley fighting vehicles available to be called out in the event there's a general breakdown of order. And we also described the discussion that General Shelton had this morning with General Cedras explaining to him the importance of maintaining restraint of the police and making arrangements for how our military police would be used to facilitate that proper functioning, to ensure that proper functioning of the police force.

We had very good discussions with President Aristide, but rather than my describing to you his response to our discussions, I would like to now turn the podium over to President Aristide and let him describe his impressions.

Mr. President?

President ARISTIDE. Secretary of State Mr. William Perry, Undersecretary of State Mr. Strobe Talbott, National Security Adviser Mr. Tony Lake, Chairman of the Joint Chiefs of Staff General Shalikashvili, ladies and gentlemen:

In these past three days something has happened in Haiti. Operation Uphold Democracy was peacefully deployed. President Clinton, this is the result of the decision that you made. This is the result of your leadership.

Thank you, and the people of the United States, for your commitment to lead a multinational effort in carrying out the will of the United Nations to help restore democracy in Haiti.

It is certain—it is certain that every action that stops the flow of even a single drop of blood is a step towards lasting peace which we envision. I extend my thanks to President Carter, General Powell, and Senator Nunn.

General Shalikashvili, when U.S. men and women arrived in Haiti on Monday, they encountered a nation of people ready to embrace peace. To you, your commander in the field, General Shelton, and the thousands of American soldiers both in Haiti and on their way to Haiti on behalf of my nation, my many thanks for joining in this endeavor for peace. Your wives, husbands, parents, family and friends, may take comfort knowing that your presence is a contribution to the justice and democracy that we seek, principles that run deep in the traditions of the United States.

We, who stood side by side with you in the battle of Savannah, Georgia, to fight for the independence of the United States, are happy that today you stand side by side with us to uphold democracy in Haiti. The light of peace must shine through Haiti. The world must see this light shine in Haiti day and night for every single citizen. Nothing must block this light of peace—neither violence nor vengeance, guns nor provocation, impunity nor retaliation. Peace must flourish in Haiti. The success of this mission is directly tied to the process of disarmament. As I said on February 7, 1991, the day of my inauguration, not another drop of blood must flow in Haiti. No to violence, no to vengeance; yes to reconciliation, yes to justice.

People of Haiti, continue to uphold democracy, be vigilant and guard against provocation. While we move towards dialogue, mutual respect, enjoyment of civil liberties and political stability, we call on all senators, deputies, members of administrative consuls, municipal consuls, departmental consuls, mayors and other elected officials, to resume their offices, as peaceful environment is indispensable for those duly elected officials and the political parties to function.

To help foster this environment, I have created a transition team headed by our

minister of defense, General Jean Beliotte. They will assess conditions in Haiti and recommend the next steps to be taken to ensure the quick restoration of constitutional order. Here in Washington, I will continue to meet and work with the National Security Adviser, Mr. Anthony Lake, and special adviser on Haiti, Reverend Bill Gray, and you, General Shalikashvili, chairman of the joint chiefs of staff, to outline the steps that it will take to guarantee the restoration of democracy, which will bring peace to all, reconciliation among all, respect and justice for every single citizen in Haiti.

In less than 24 days, I will join you in Haiti. There, we will continue working as peacemakers, peacekeepers and peace lovers. Thank you.

Mr. LAUTENBERG. Mr. President, I intend to vote for this resolution.

I am relieved that a full-scale invasion has been avoided as a result of negotiations by President Carter, Senator NUNN, and Colin Powell. The threat of military force created an environment in which a short-term diplomatic solution could succeed. Lives were saved by avoiding a full-scale invasion, and that was a positive development. I congratulate President Clinton and the Carter delegation for this success.

I am, however, still concerned about the thousands of American soldiers who will be part of the occupation forces under this agreement. They do not know how long they will be in Haiti or what their long-term role will be. The very nature of their mission is replete with contradictions. Our soldiers thought they were going to Haiti to help the Haitian people; now, they are essentially required to work with the leaders America's original military mission sought to remove. Just yesterday, they had to stand by helplessly and watch the police brutally attack and kill Haitians who had come to welcome our troops to their shore.

My broader concern, Mr. President, is that although the military is now in Haiti, their mission is essentially diplomatic. While I share the diplomatic goal of restoring a democratically elected leader in Haiti, I am not persuaded that the U.S. military can succeed, in the long run, in ensuring that democracy will prevail in Haiti. Although our military is second to none, it is not their role—nor are they able—to build nations as we saw in Somalia. I'm wary about our troops getting involved in a similar mission in Haiti.

Like many, I am dismayed by the way General Cedras and the Haitian military stole the election from President Aristide. I too have been profoundly saddened by the brutality of the human rights violations the Haitian dictators have perpetrated against so many innocents. The Haitian people who long for the restoration of their democracy have inspired me. It is a difficult task to know what we can do to help them without imposing unreasonable risks to our soldiers or costs to our Nation.

While I share the goals of restoring democracy for the Haitian people and snuffing out human rights abuses, I am not persuaded that a policy which attempts to turn our military into a diplomatic corps can succeed in the long run. Now that the President has decided to move forward, however, I do hope and pray the policy will succeed. I pray that no lives will be lost, and that our soldiers will return to America soon.

Mr. LIEBERMAN. Mr. President, all of us are appalled by the desperate economic and human rights conditions prevailing in Haiti. As of February 1994, the United Nations reported there had been some 3,000 deaths of Haitian civilians since the September 1991 military coup. The Cedras regime's human rights record—its cynical use of murder, rape and torture to intimidate the Haitian population—is currently the worst in this hemisphere. I sympathize with the Haitian people who have suffered for years both from the atmosphere of intimidation prevailing in Haiti and from the economic hardships resulting from the U.N.-mandated economic embargo.

These are tragic conditions for Haiti. But they are not a national security threat to the United States. I sympathize with the plight of Haitians, but I question whether we can or should right Haiti's multiple wrongs with military force.

The United States has the best military forces in the world. Our finest young men and women staff it; our most advanced technology and billions in tax dollars have gone into their equipment. Our military forces are prepared and capable of defending the broad security interests of the United States.

This means that our Armed Forces also are capable of accomplishing a wide variety of tasks, whether it is to arrest a narcotics kingpin in Panama, stop a disease epidemic in Rwanda, facilitate food distribution to starving Somalians, provide humanitarian relief in Bosnia and northern Iraq, or rescue American students from political instability in Grenada.

However, just because the United States military can accomplish a particular mission does not mean it should be ordered to tackle the enormously complex range of missions required in Haiti.

The Founding Fathers intended that the President's role as Commander in Chief be constrained by the responsibility to seek congressional approval to make war. The President does have the power to act in emergencies, but the long-festering problems in Haiti did not fall into that category. Throughout this developing crisis in Haiti, I have always believed and stated that the President should come to Congress for authority prior to an invasion of Haiti by United States forces.

When President Bush proposed to use military force to repel Saddam Hussein's invasion of Kuwait, I—together with many of my Senate colleagues on both sides of the aisle—argued that the President should seek congressional authority. Presidents Reagan and Bush did not seek congressional authorization for military operations in Grenada and Panama. Congressional authorization is always preferable when possible, but the protection of U.S. security interests in those circumstances required secrecy and speed.

There was no emergency or imminent threat to American lives in Haiti. The President had been warning the Haitian junta for months that U.N. military action was imminent. Recruitment of a multinational invasion force and our own preparations for use of force was conducted in a deliberate and public manner.

But all that is past. The President began the invasion without congressional authorization and, fortunately, halted it once an agreement had been reached between the military junta and the delegation headed by former President Jimmy Carter. All Americans are grateful that an invasion, with the likelihood of casualties, was averted, and we are all thankful that the U.S. occupation has proceeded up to this point with no loss of American lives.

Still, the question remains as to what our goals in Haiti are, and how long our troops will remain in that country. That is the key issue for the American people. I have no quarrel with this resolution, and it has bipartisan support, but it should not signal the end of congressional involvement in this issue. While maintaining our strong support for the United States troops on the ground in Haiti, and providing them with every piece of equipment they will need to carry out their mission as long as they are there, we must now get answers about what their goals are, how they will be achieved, and on our exit strategy. All Americans are deeply concerned that if our stay in Haiti goes on too long, we will be inexorably drawn into a police action that is fraught with danger to our troops, and for which there is no clearly achievable end result.

One final word concerning Haitian President Jean-Bertrand Aristide. I share the disappointment of many Americans that President Aristide failed to quickly and publicly thank our country for putting the lives of our soldiers in harm's way on his behalf. Any problems he has with the Carter accord pale in comparison to the courage exemplified by our military forces, and he, of all people, should have recognized that fact and said so right away.

Mr. COATS. Mr. President, I support Senate Resolution 259 because, like all Americans, I am greatly relieved that the deployment of United States troops

to Haiti occurred under peaceful rather than hostile circumstances. As a result, many Haitian as well as American lives have been spared.

I am also greatly relieved that General Cedras and the ruling military Junta in Haiti have agreed to relinquish their grip on government and, thanks to the compelling argument of former Chairman of the Joint Chiefs, Gen. Colin Powell, cooperate in a peaceful transition of power.

Mr. President, I commend America's military men and women for their excellent performance in carrying out their duties, fully support them in their complex and difficult mission, and pray for their safe and quick return.

I fear, however, that our most difficult days lie not behind us but ahead.

Mr. President, the occupation, not the invasion, of Haiti has always been recognized as the more difficult part of this mission. In many respects, that occupation has now been made more difficult by the circumstances under which it has occurred.

The Haitian population is by no means at peace, the institutions of civil government have yet to be established, and democracy is far from assured. In other words, the task we face in Haiti is not one of restoring democracy but of building a nation. And, as we tragically learned in Somalia, that is not an appropriate mission for the United States military.

For those reasons, Mr. President, as well as the fact that no United States national interest is at stake in Haiti, I opposed a United States invasion of Haiti. For the same reasons, Mr. President, I now urge a timely conclusion to the United States occupation of Haiti, and the speedy withdrawal of all United States forces.

The PRESIDING OFFICER. Under the order, the Republican leader is recognized for 5 minutes.

Mr. DOLE. Mr. President, first of all, all Americans join in praising former President Jimmy Carter, retired Gen. Colin Powell, and the senior Senator from Georgia, Senator SAM NUNN.

I must say if it had not been for their diplomatic mission we might have been on the floor here today talking about a lot of different things but not have pleasant ones, in my view. So they averted a potentially tragic military confrontation to place American troops into Haiti.

The Carter delegation obviously found the General Cedras willing to negotiate. I am pleased the President accepted suggestions and sent an independent commission to Haiti. I believe the whole country heaved a sigh of relief that an unnecessary invasion did not occur.

I must say there is still a lot of confusion, but I think at least we had a new entrance strategy. We do not have an exit strategy yet. I hope we will be

addressing that maybe before we leave, hopefully not later than October 7.

I do not see how anybody can oppose an invasion and support a military occupation. That is my view. If you oppose the invasion, you have to oppose the occupation. You support the forces there, but you do not support the occupation.

How much do we have to do for Aristide. I guess today he said "thank you." How much do you have to do for this person? We are going to have 15,000 Americans committed there. We are going to spend millions and millions and millions of dollars, and we are even going to pay some of their military. There will be all kinds of nation building. Who knows what the final tab will be.

So I guess the bottom line is there never was a problem getting in; there may be a problem getting out.

I think events of yesterday, even though we did not participate, show how tragic the consequences can be. We had graphic Haitian-on-Haitian violence which may call for greater United States involvement. I do not know how the American people will understand when they watch television and see American soldiers standing by and someone being clubbed and clubbed and clubbed. How does that resonate in America, if some innocent person is being beaten to death or clubbed to death? I have to believe this is a pretty tricky situation we are in right now.

But before we decide to disarm the Haitian military and police, we would do well to remember the lessons of Somalia. And we should also remember that today's oppressed can quickly become tomorrow's oppressor.

I can understand if the American people are a little confused about the recent changes in U.S. policy. President Clinton last Thursday told Haiti's leaders: "Your time is up. Leave now or we will force you from power." Now, they learn that General Cedras may be in power until October 15. Last week, the Haitian military was described as rapists and killers. This week, they are our partners in occupation.

This is going to take more than a 30-second sound bite to explain to the American people.

Last week President Clinton said diplomacy had been exhausted. But over the weekend, a diplomatic mission rapidly reached an agreement. The newspaper headlines said a deal had been made and an invasion averted. Yet thousands of heavily armed United States soldiers have landed in Haiti. And the United States is still enforcing an economic embargo against a country we just occupied.

Why should there be an embargo on a country we occupied? That is one of the problems. It is the poorest country in the hemisphere. We laterally are starving people to death with economic sanctions. Now we occupy it. And this

is part of the agreement, but we still have not lifted the sanctions.

The American people heard a lot about a multinational force, but the only foreign troops in Haiti are American right now. That is all. The American people heard about the importance of restoring Aristide to power, and we are about to thank the Carter delegation for their efforts to achieve a peaceful resolution. Strangely, it took Aristide longer to say thank you than it took the Carter team to negotiate the accord.

According to some news reports, Aristide was reluctant to even support the latest U.S. policy conducted on his behalf.

In the midst of all this confusion, the only clarity came from President Carter, General Powell, and Senator NUNN. They took open minds and went to Haiti. I listened to them earlier this week. They spoke about what they learned in Haiti: About how respected the provisional President is and how he was central to the deal. They spoke about General Cedras' honor and dignity. They spoke about the depth of anti-Aristide feeling. And they spoke about the folly of having a U.S. economic embargo on a country under U.S. military occupation. Right or wrong, all these views challenge the foundations of the Clinton administration's Haitian policy. Either they are wrong or he was wrong, and I have to believe since they are there they may have a better insight than the President.

The efforts of the Carter delegation are commended in the resolution before the Senate. Their fresh look averted immediate bloodshed. The task now is to avert bloodshed over the long term.

I am again not certain that the American people realize the United States forces—either under United States or U.N. command—will be in Haiti until at least 1996, not 1995, until that is 1996. The potential for the occupation to generate American casualties is great.

The last American occupation of Haiti lasted almost two decades. Because the President and his advisers have avoided coming to Congress, the first sign of trouble is likely to result in pressure for an immediate and embarrassing withdrawal.

The Carter mission prevented bloodshed in the first few days of the United States occupation of Haiti. For that, all Americans can be grateful. But what is needed now is a U.S. policy that does not react to the image of the moment or to the emotional appeal of weak.

The ousted special envoy for Haiti, Lawrence Pezzullo, laid out the one principle for a sound policy in the New York Times this morning. In sum, he argued the United States should push Haitians to resolve their differences on

their own—not make every issue a matter of United States prestige.

Ambassador Pezzullo concluded by writing, "Only a very carefully calibrated policy will guard against Haiti's slipping from military dictatorship under General Cedras to populist authoritarianism under Father Aristide, presided over by a U.S. praetorian guard." Unfortunately, 19 months of this administration's failed Haitian policy does not leave much hope for future improvement.

Mr. President, I ask unanimous consent that New York Times article by Lawrence Pezzullo be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEVEN WAYS TO AVOID A LONG, PAINFUL, POINTLESS OCCUPATION
(By Lawrence Pezzullo)

Despite the 11th-hour success of the peace-making mission headed by Jimmy Carter, the arrival of thousands of United States troops in Haiti since Monday represents the bitter fruits of diplomatic blundering by the Clinton Administration. Whether because of guilt, weakness or lack of rigor in carrying out its policies, the Administration has taken on the impossible burden of turning a country with no democratic traditions into a functioning democracy.

The quiet resignation on Friday of the United Nations special envoy for Haiti, Dante Caputo, represented a kind of punctuation mark to the Administration's hopeless diplomacy. Mr. Caputo has long held the view that the situation must be resolved by Haitians, not by military intervention.

The role of U.S. troops now, before the Rev. Jean-Bertrand Aristide returns to power, involves relatively little risk. But our soldiers, under orders not to intercede even when they see Haitian police beating pro-Aristide demonstrators, will find themselves in an increasingly difficult position. To prevent worse clashes, a multinational force to restrain and monitor the police is urgently needed.

The multinational negotiations that began soon after Father Aristide was overthrown in September 1991 were hampered by the unwillingness of the two protagonists to deal with each other. Lieut. Gen. Raoul Cedras, who emerged as Haiti's de facto ruler, felt he could outlast the international pressure to restore the elected Government. Father Aristide, exiled to Washington, expected the United States to restore him to power on his terms.

The agreement signed at Governors Island in July 1993, which set a timetable for Father Aristide's return to power, contained two central elements: the transfer of power from the military to a democratic, constitutional government and the creation of a broad-based political coalition.

The Haitian Constitution of 1987, which balances executive power with Parliament's—essential in a country with a long history of abusive strongmen—requires that the President build a working majority in the legislature. It was precisely Father Aristide's estrangement from the elected Parliament, coupled with his chilly relationship with business leaders and the military, that led to his overthrow in 1991, just seven months after he took office.

Without a broader governing coalition and an operating majority in the Parliament, Father Aristide could face a repetition of the

conflict that turned violent in 1991, or he could circumvent the Constitution by ruling by decree. In either case, the United States, with its troops on the ground in Haiti, would find itself in an untenable position.

By unwisely putting its own credibility on the line rather than keeping the pressure on the Haitian protagonists to resolve the crisis on their own, the Administration has shouldered an obligation to sustain the return to democratic rule. That will require staying the course and ignoring the advice of those who argue for an early exit. Surely it would be wise for the U.S., with its multilateral partners, to stay in place through the presidential elections in January 1996.

To preserve the integrity of its policy, the Administration must insist that all Haitian parties, especially Father Aristide's, comply scrupulously in word and spirit with the 1987 Constitution. Further, the U.S. should insure that all members of Parliament elected in 1990 are protected and allowed to assemble as soon as possible in a secure environment.

When he resumes the presidency, it will be essential that Father Aristide cooperate with the Parliament on the following measures to build a truly democratic system:

The early confirmation of a prime minister who can build and maintain a majority in the Parliament. This will require reaching out to political adversaries, who earlier this year showed a willingness to build such a majority.

The nomination and confirmation of a new commander in chief to replace General Cédras. Haiti's Constitution allows the President to pick one from senior military officers. Some of the current group remain untainted by the coup and have clean human rights records.

The enactment of an amnesty law, the specific details of which would be worked out between Parliament and the executive branch. The issue of whether General Cédras and other military commanders should be forced into exile must also be left to the Haitians themselves.

The creation of an independent civilian police force, which was stipulated in the Governors Island agreement and is required under the Constitution. The U.S. and Canada have already pledged to assist in their training.

The confirmation of a new civilian police chief.

The enactment of legislation requiring that all paramilitary gangs be disarmed.

The establishment of a bipartisan electoral commission to organize and oversee the parliamentary elections scheduled for this winter and the presidential elections next year.

The Clinton Administration must recognize that a failure to insure that Haitians work together and compromise to resolve their own political difficulties will not only compound the tragedy of that troubled country but also involve the U.S. in a painful and pointless occupation. Only a very carefully calibrated policy will guard against Haiti's slipping from military dictatorship under General Cédras to populist authoritarianism under Father Aristide, presided over by U.S. praetorian guard.

THE PRESIDING OFFICER. The majority leader is recognized for 5 minutes.

Mr. MITCHELL. Mr. President, I yield myself the remainder of my leader's time.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President and Members of the Senate, the resolution

on which the Senate will shortly vote is direct, simple, and easily understood. It commends President Clinton. It commends former President Carter, retired General Powell and Senator NUNN. It supports the men and women of the United States Armed Forces in Haiti. It supports the departure from power of the de facto authorities in Haiti and Haitian efforts to achieve reconciliation, democracy and the rule of law. It supports lifting of the economic sanctions on Haiti and supports a prompt and orderly withdrawal of United States forces from Haiti as soon as possible.

There is no conceivable reason why any Senator would vote against this resolution. It is obvious that the events in Haiti have developed in a way that will in fact encourage the restoration of the democratically elected government and the departure of the illegal government. That is an objective which I believe all Americans share.

Mr. President and Members of the Senate, we have heard a lot of debate here in the Senate about this or that aspect as policy.

If one reads the American Constitution, one will find reference to one President of the United States. But if one observes the American Government in a time of foreign policy crisis, one would think that there were 50 or 60 Presidents of the United States. This is the world champion forum for nit-picking, second-guessing and should-have-done.

Senators urge the President to do A, and when the President does A, they say he should have done B. If he does B, then they come up with C. There is no event so trivial, no place so distant that Senators do not have a better idea of how it should be done; so long, of course, as they have no responsibility for the outcome if things go bad.

And to hear some of the speeches that we have heard here today, why, there is almost a regret that this thing has worked out so well.

The fact of the matter is, it was the determination and leadership of President Clinton that has caused the removal of the illegal government in Haiti and the forthcoming restoration of the democratically elected Government of Haiti.

I was interested to hear all of the praise of the delegation that went to Haiti—all of which is deserved—but a grudging unwillingness to even acknowledge that it was President Clinton who sent them to Haiti, who directed their actions in Haiti, and whose policy they were implementing in Haiti.

Is the hostility and the antagonism for the President so great among some of our colleagues that they cannot even acknowledge that it was, in fact, President Clinton who made the decision to send the delegation to Haiti, who established the policy which they took

with them to Haiti, and who stood firm at the critical moment in insisting on an absolute time certain and a deadline for the removal of the illegal government from Haiti?

I hope that every Member of the Senate will vote for this resolution. And I hope that every Member of the Senate will permit this policy to take effect without seeking to make political hay out of every twist and turn in the road and the inevitable difficulties that result in such a complex and dangerous operation.

Certainly, risks remain. Certainly, there is a potential for damage, danger, casualty, injury, and death. But the fact of the matter is, right now democracy in Haiti has a future which it did not have a week ago today. And right now, the illegal government of Haiti does not have the future that it had one week ago. That is the direct and exclusive result of the actions of President Clinton and the leadership of President Clinton. We ought not to be so grudging as to refuse to acknowledge that simple fact.

Mr. President, I yield the floor.

I believe, all time having been used, we are prepared for the vote.

THE PRESIDING OFFICER. The question occurs on the adoption of Senate Resolution 259. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "yea."

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—94

Akaka	Feingold	McCain
Baucus	Fenstein	McConnell
Bennett	Ford	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Gorton	Mitchell
Bond	Graham	Moseley-Braun
Boren	Gramm	Moynihan
Boxer	Grassley	Murkowski
Bradley	Gregg	Murray
Breaux	Harkin	Nickles
Brown	Hatch	Nunn
Bryan	Hefflin	Packwood
Bumpers	Helms	Pell
Burns	Hollings	Pryor
Byrd	Hutchison	Reid
Campbell	Inouye	Riegle
Chafee	Jeffords	Robb
Coats	Johnston	Rockefeller
Cochran	Kassebaum	Roth
Cohen	Kempthorne	Sarbanes
Conrad	Kennedy	Sasser
Coverdell	Kerrey	Shelby
Craig	Kerry	Simon
D'Amato	Kohl	Simpson
Daschle	Lautenberg	Smith
DeConcini	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Warner
Domenici	Lott	Wellstone
Dorgan	Lugar	Wofford
Durenberger	Mack	
Exon	Mathews	

NAYS—5

Danforth Hatfield Wallop
Faircloth Pressler

NOT VOTING—1

Thurmond

So the resolution (S. Res. 259) was agreed to, as follows:

S. RES. 259

Whereas the special delegation sent to Haiti on September 17, 1994, has succeeded in convincing the de facto authorities in Haiti to agree to leave power;

Whereas on September 18, 1994, after an agreement was reached in Port-au-Prince that day, the President ordered the present deployment of men and women of the United States Armed Forces in and around Haiti;

Whereas U.S. and multilateral sanctions have imposed a heavy burden on the Haitian people; and

Whereas the Congress and the people of the United States have great pride in the men and women of the United States Armed Forces and fully support them in all their efforts overseas, including those in Haiti: Now, therefore, be it

Resolved, That the Senate—

(1) commends the efforts of the President in sending former President Jimmy Carter, retired General Colin Powell and Senator Sam Nunn to Haiti in an effort to avoid the loss of American lives;

(2) fully supports the men and women of the United States Armed Forces in Haiti who are performing with professional excellence and dedicated patriotism;

(3) supports the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy, and the rule of law;

(4) supports lifting without delay of U.S. unilateral economic sanctions on Haiti, and lifting without delay of economic sanctions imposed pursuant to U.N. resolutions in accordance with such resolutions; and

(5) supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

The Senator may proceed.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the submission of S. Res. 263 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Wisconsin.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1995; DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCIS-SIONS ACT, 1994—CONFERENCE REPORT

Mr. KOHL. Mr. President, I submit a report of the committee of conference

on H.R. 4649 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment to the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 4, 1994.)

Mr. KOHL. Mr. President, I am pleased to present the conference report on H.R. 4649, the D.C. appropriations bill for fiscal year 1995, to the Senate. It represents a fair bipartisan compromise with the House on the items of disagreement and deserves the support of the Senate. Every single conferee, Republican and Democrat, signed the conference report.

At the outset I want to complement our House colleagues, led by their able Chairman JULIAN DIXON, for the professional and concise way in which they conducted the conference in reaching consensus on this bill.

The conferees met on August 4, 1994, and the House adopted the conference report on August 8 and sent it to the Senate. We have been attempting to clear this measure for the President since that time. The agreement includes a requirement that the Mayor submit a plan for cutting the \$140 million in required savings 30 days after enactment. The conferees intended that this bill be enacted by mid-August so that those proposed savings could be in place by this time in September, close to the end of the fiscal year. I hope that we can move this agreement through the Senate and on to the President in very short order.

Mr. President, this conference report deserves the support of Senators. We were able to convince the House to accept a reduction in the Federal payment to \$660 million. This amount is approximately the midpoint between the amount the city has wanted and the amount in the Senate bill.

We also included \$140 million in budget cuts that the District of Columbia will have to make during the fiscal year 1995. This amount will no doubt be difficult to achieve, but is reachable. We should note that the Mayor has proposed \$140 million in cuts, which the council will soon consider. Ultimately it is the local government that must make the tough decisions and implement a plan to achieve the necessary cuts.

Language is included in section 138 that places a limit on the District's disbursements both by individual funds and in the aggregate. The purpose of this language, which was agreed to by the conferees, is to keep the District government from spending more cash in fiscal year 1995 than it collects. During the past 3 years, fiscal years 1991, 1992, and 1993, the District government has had balanced budgets according to generally accepted accounting principles [GAAP] but during those same 3 years had disbursed \$276 million more from the general fund than it has collected in cash. In other words, the city has been spending more than it has taken in, even though it reports that its' budgets are balanced. Most people would find that difficult to comprehend.

Mr. President, the conferees want to make it clear that the disbursements and net payables, by fund and for the District government as a whole, are not to exceed the cash receipts collected by fund and for the District government as a whole. In all cases the controlling factor is the cash receipts collected and deposited.

If this legislation is violated, the following year's Federal payment will be reduced by the amount that the disbursements and net payables exceed the cash receipts.

Mr. President, it is important that this limitation be fully and clearly understood by the District government.

In addition, Mr. President, it should be understood that the conferees expect that every branch and agency of the D.C. government is expected to participate and contribute their fair share toward these spending cuts. The conferees recognize the independence of other branches of the local government and of certain independent agencies, however, the conferees believe that the overall fiscal condition is of overriding concern and expect full cooperation with the Mayor and council in implementing these reductions.

Mr. President, the conference agreement modifies the Senate amendment requiring a reduction of 3,559 full-time equivalent positions over 5 years. The modification provides that the city must eliminate 2,000 full-time equivalent positions in one year, fiscal year 1995.

The Senate agreed to recede to the House on the D.C. School of Law. As part of her plan of cuts the Mayor has proposed closing the law school. Because of the debate that we have begun, I believe that the council and citizens of the District of Columbia will carefully look at the Mayor's proposal. I also believe that the D.C. government is now engaged in a process that puts every item in the budget up for a fair and impartial review.

In closing, Mr. President, I want to express my appreciation to the Senator from Montana, our distinguished ranking member, for his work in shaping

this bill. His efforts have made this a better bill and his hard work have made it possible to bring it to final adoption today.

Finally, Mr. President, I want to thank the staff on both sides of the aisle and both sides of the Capitol for their assistance in making what could have been a very contentious conference reach a bipartisan compromise. That concludes my explanation of the conference agreement.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS] is recognized.

Mr. BURNS. Mr. President, I want to first of all thank Senator KOHL from Wisconsin, who has put a lot of time and effort in on this bill. It has been remarkable to work with him, because there were some contentious things that came up within this bill, and it was all worked out. I compliment him and his staff on this.

This conference report represents a significant change in the way this committee has gone about its business with the District of Columbia.

We have cut the Federal payment by over \$13 million from the President's request.

We have mandated that the District cut their own budget by \$140 million.

I realize that is a very tough thing to do in these times when local governments have a hard time coming up with money. I can remember back in my days of county government when an initiative in Montana was passed, called 105, which meant that you could not increase property taxes to fund county government. Of course, that went for the school districts as well within Yellowstone County. But we made it through there because we had done some things and one of them was to establish a 5-year budget, which gives us a look into the future that if certain things happen, this is how it reflects on how we finance our local government.

And, we have mandated that the District eliminate 2,000 FTE's in fiscal year 1995.

Again, that is a big order, and something that can be obtained whenever you take a look at the resources here in the District of Columbia.

The Congress has directed the city to submit no less than 17 independent reports, audits, and evaluations for review by the Congress. Some of these reports are linked to the release of money. All of them will be valuable tools in the future consideration of additional Federal funding for the District.

In total, this conference report represents a comprehensive overhaul of Congress' relationship with the District.

Mr. President, we have a responsibility to our constituents to protect the

integrity of these and other Federal investments by exercising our statutory right in overseeing the District of Columbia.

A house well furnished will be unstable without an adequate foundation upon which to sit. Looking at it today, the Capital City is indeed resting on a cracking foundation.

I hope these changes in course will lead the District to calmer waters both with Congress and with the citizens of this great city.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, at this time, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

STATEMENT ON DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4649, the District of Columbia appropriations bill and has found that the bill is under its 602(b) budget authority allocation by \$8 million and under its 602(b) outlay allocation by \$8 million.

I compliment the distinguished manager of the bill, Senator KOHL, and the distinguished ranking member of the District of Columbia subcommittee, Senator BURNS, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the District of Columbia appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4649—FY 1995 DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE BILL

(Dollars in millions)

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	712	712
Outlays from prior years appropriations		2
Permanent/advance appropriations	0	0
Supplementals	0	0
Subtotal, discretionary spending	712	714
Mandatory Totals	0	0
Bill total	712	714
Senate 602(b) allocations	720	722
Difference	-8	-8
Discretionary Totals above (+) or below (-):		
President's request	-10	-10

SENATE BUDGET COMMITTEE SCORING OF H.R. 4649—FY 1995 DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE BILL—Continued

(Dollars in millions)

Bill summary	Budget authority	Outlays
House-passed bill	-8	-8
Senate-reported bill	12	12
Senate-passed bill	12	12
Defense	0	0
International affairs	0	0
Domestic discretionary	712	714

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 27, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—71

Akaka	Feinstein	Mikulski
Bennett	Ford	Mitchell
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boren	Harkin	Nunn
Boxer	Hatfield	Packwood
Bradley	Hollings	Pell
Breaux	Inouye	Pressler
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Byrd	Kassebaum	Riegle
Campbell	Kennedy	Robb
Cohen	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
D'Amato	Kohl	Sasser
Danforth	Lautenberg	Simon
Daschle	Leahy	Simpson
Dodd	Levin	Specter
Dole	Lieberman	Stevens
Dorgan	Lugar	Warner
Durenberger	Mack	Wellstone
Exon	Mathews	Wofford
Feingold	Metzenbaum	

NAYS—27

Baucus	Faircloth	Lott
Brown	Gramm	McCain
Burns	Grassley	McConnell
Coats	Gregg	Moseley-Braun
Cochran	Hatch	Nickles
Coverdell	Heflin	Roth
Craig	Helms	Shelby
DeConcini	Hutchison	Smith
Domenici	Kempthorne	Wallop

NOT VOTING—2

Chafee Thurmond

So the conference report was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

CAMPAIGN FINANCE REFORM

Mr. KERRY. Mr. President, I arrived in the U.S. Senate over 10 years ago. Since that time, with each passing election and each passing year and with the increase in gridlock in Congress, I have become, as I think some of my colleagues have, more and more convinced that the system of financing political campaigns in this country is doing the U.S. Congress—and, more importantly, the politics of our Nation—an enormous disservice.

It was because of my early perceptions about campaign finance that when I first ran for the U.S. Senate, I made a decision that I would personally not accept any PAC money. Indeed, we were able to create the first PAC-free Senate race in the history of the United States. As a consequence of our mutual efforts, no candidate received PAC funds in the race for the seat I now hold. We proved that you can run for the U.S. Senate without PAC money. In addition, I think we proved to the American people that when you do not have PAC money—PAC's, for those who do not follow these debates, are political action committees, which are organizations formed by special interest groups who bundle money into large amounts and distribute it to candidates—we proved in my Senate race in 1984 that campaigns can be run without the infusion and influence of special-interest money.

Pick up any newspaper in America today and you can read about the disrepute of this institution. I think anybody who understands what is happening in America must hear the roar of the oncoming tidal wave of dissatisfaction that will hit the Congress if we do not respond to the felt need of the citizens of this country to separate their public servants from money.

Money is polluting the entire trust—whatever is left of it—of the American people for the political process. All you have to do is look at what has happened to the health care debate in this country and you have a story of money, of millions of dollars from one interest or another, infecting and disassembling an issue of vital impor-

tance. It is OK, I suppose, if all that cash goes only into public advertising and expression. After all, the first amendment is very clear about the rights of people to express their views. But this money should not be inserted directly into campaign after campaign and into the campaign coffers of candidate after candidate after candidate.

It does not take a student of political science or anybody who has spent a long time around the political process to understand that people who do not think that you are supporting their point of view are not going to contribute to you. Somebody who votes against the insurance industry does not get money from the insurance industry. Somebody who votes against banking does not get money from the banking industry. Somebody who votes for gun control does not get money from the National Rifle Association. And so it goes down a long list of all of the groups that give money. And someone who gets money from the insurance industry is likely to vote for the insurance industry. And someone who gets money from the NRA is likely to vote against gun control.

Because of the structure of advertising in America, my colleagues and I, and all of us in this process, have become nothing more than bill collectors for the broadcasters. We go out and raise huge sums of money, then behave as conduits, passing that money from those special interests to broadcasters. In the process, a certain amount of independence is lost. And in the process, a certain amount of control is gained.

Americans are not well served by this, Mr. President, and I think everybody in this institution understands it. Americans are not well served by it for the amount of money that is wasted and batted around. They are not well served by it for the relationships that are created as a consequence of it. And they are not well served by it because it takes away from the capacity of Congressmen and Senators to spend time with their constituents and on the issues, instead forcing politicians to travel the country with suitcases prepared to be filled with checks from whatever special interest they can cull from somewhere in the Nation.

Mr. President, as a first-time candidate for the U.S. Senate, I became convinced that spending limits are an essential ingredient of trying to stop the incredible spiraling, escalating costs of campaigns. Go back 5 years, go back 10 years, go back 20 years, and there is a remarkable straight-line increase in the cost of campaigning in the United States, and today almost 90 percent or more of that money goes directly to buy television and broadcast time.

More and more campaigns do less and less people-oriented activities. Fewer and fewer campaigns can afford even

the paraphernalia of campaigns—leaflets, buttons and so forth. Most campaigns are forced into a battle of retaliation—the point, counterpoint of television advertising. It has gotten to the point now where one ad goes out and within 24 hours the response ad is on, and then the counter-response, and candidates are driven to go out to find more and more money in order to respond to this escalating process. It is the new arms race, if you will; it is the money race.

I think that colleagues of good conscience and good intent around here know that when they sit in private and they talk about this, there is a universality of condemnation and lamentation about it, a universality of understanding about these dangers to the political system in this country.

We are at this moment, after a long period of effort, staring at a window of opportunity. When I came here, a campaign finance reform bill was the first piece of legislation that I introduced, and each year I have introduced that legislation in an effort to try to restore people's sense of connection to the American political process. I have by no means been alone. Senator MITCHELL also introduced legislation a long time ago, as has Senator BOREN. Senator BIDEN, Senator SIMON, and Senator BRADLEY have also joined in this effort to try to change the political process. But until now we have had no ultimate success.

In the 102d Congress, we did manage to pass a comprehensive campaign finance reform bill, but it was vetoed by President Bush. Now, that vote itself, in all candor, said a certain amount about the hypocrisy which has governed this issue, because many Members voted for that bill knowing President Bush was going to veto it and prevent real change from taking place.

Now that there is a President of the United States who is prepared to sign a campaign finance reform bill into law, some of those "yes" votes have turned into either "noes" or "maybes," in an effort to stall or avoid what the public so clearly demands and what this institution desperately needs.

Despite these so-called changes of heart, Mr. President, we passed a campaign finance bill again in this session. Not a perfect bill—no piece of legislation is perfect—but a good campaign finance reform bill. And we know that if President Clinton gets this bill he will sign it into law. But month after month after month has gone by without any action on this legislation.

We are now at the single most critical moment of campaign finance reform in history. That is not an exaggeration. This is the first time we could put limits in place, we could lower the influence of PAC's to the lowest level in history. We could establish new accountability for campaign

fundraising. We could increase the democracy of this country by reducing the size of the amounts of donations. We would instill an incentive for people to be able to go out and raise money in small amounts within their own State, and place an incentive for candidates to raise most of their money in their home State rather running around the country looking for cash.

We passed this bill last year. One year ago. One year ago we passed this bill, and for this entire year that bill has been the prisoner of resistance on the House side. It is now meeting the same kind of gridlock response here in the Senate, the kind that we consistently find on almost everything we try to do in this body these days.

I would like to know how many Americans are even aware that the Senate is engaged in a filibuster where we have to go through effort after effort just to have a cloture vote in order to get to conference and be able to talk about the differences between the House and Senate on this bill.

Mr. President, the Republicans are preventing us from even being able to work the legislative process to try to get to a compromise. Does America understand the willful arrogance which is being applied to stall the business of this institution, to time and time again prevent the majority from engaging in legislative activity, and to require 60 votes for almost every legislative step—60 votes every time.

The current filibuster spree is an embarrassing effort simply to chew up days because Republicans know that these are the waning days of the legislative session. So if we have to do a filibuster with a cloture vote, we automatically, under the rules, go 2 days in between each vote and all of a sudden, before you even get to conference, one entire week is gone. So those who filibuster know that they have killed precious time, and will continue to delay in the ensuing weeks, because they hope that the Congress will do nothing. Then they will go back to their districts and they will say that the Democrats had the majority in the Congress but were unable to accomplish anything. And the American people, who do not understand the power that Republicans have to require 60 votes, who do not understand what it means to have a cloture motion, who do not understand the process of delay, will say, oh, yeah, that is right; Democrats ought to be able to make things happen.

Mr. President, I think we have to come to this floor day after day after day and tell this story to Americans, and tell them that most of us are prepared to vote on campaign finance reform now. The Republicans simply are not letting us.

Now, Mr. President, that is, as I said, only one facet of resistance here. There

are some in the House who continue to believe that PAC money is essential, a sine qua non presence in politics. And they are unwilling to restrain or lower the amount of PAC money that is being currently raised to support campaigns.

I believe the Congress of the United States desperately needs to show the American people that we understand their concern about gridlock and about money. We need enactment of this bill on campaign finance reform. The only step remaining between the signing of this bill by the President and its passage here is the completion of the conference. But we cannot even get to the conference without jumping through legislative hoops placed in our path by Republicans. We are closer to placing in law a campaign finance reform than we have ever been, but we face a pattern of resistance that cannot be justified and can barely be stopped.

Now, Mr. President, the delay and resistance that I have talked about with respect to some in the House of Representatives has been commented on in the Washington Post recently, and I quote from it. They observed in July:

Many Democrats in the House, including some in the leadership, seem eager to find a way to kill campaign finance reform in a way that would allow them to heap blame for its defeat on the Republicans in the Senate. The sticking point right now is whether to toughen the limits on how much a political action committee can contribute to candidates. The House Members want to keep the current high limit of \$10,000 per election cycle. A group of reform-minded Republicans in the Senate, whose support is crucial to get the bill past a filibuster, want to ban PAC's altogether. But they appear ready to settle on a compromise that would cut the PAC limit perhaps to \$5,000.

The Post went on to say that:

Many Democrats in the House would like Senators Mitchell and Boren to cooperate by agreeing to move on a bill that would do nothing about the PAC limit, and such a bill would surely lose. But then the House could pass it and blame the Senate for its death. To their credit, Mr. Mitchell and Mr. Boren are refusing to play their assigned roles in this charade.

Indeed, Mr. President, I want to commend Senator MITCHELL and Senator BOREN for pressing the notion that it would be a cynical ploy, indeed, if all we did was bring a bill back from the House that did not compromise on this issue and that did not present to our colleagues in the Senate a reasonable effort to try to pass campaign finance reform.

I agree with the Washington Post that our colleagues in the House need to stand firm, and we need to stand firm in the Senate. I also agree that we need to be reasonable about the notion of reform and about compromise. The New York Times similarly analyzed the problem saying that the House is refusing to cut their bill's generous limits on the amount of money a member may accept from a single political

action committee—\$5,000 in a primary to another \$5,000 in the general election—and the Times called the House position "a cynical device aimed at killing reform."

Mr. President, I today join with other colleagues in the Senate in calling on our friends in the House not to use this method but, rather, to send to the Senate a genuine compromise that offers us an opportunity to try to gain, once and for all, a true reform of the campaign finance structure of our country.

I just want to share a couple of observations with colleagues about what has happened with respect to money in politics in the last years.

The Federal Election Commission shows that in the 1992 races, candidates for the Senate received an average of over \$1.5 million in big money and PAC contributions, which together dwarfed the less than \$650,000 that candidates received on average in small contributions of \$100 or less. Democrats relied on big money just as much as the Republicans, and there was no clear partisan difference. By contrast, there was an enormous difference between incumbents and challengers.

Senate incumbents raised twice as much as challengers in large private contributions, and PAC's chose to give to incumbents over challengers by a ratio of more than 3 to 1.

Mr. President, I say respectfully that is one of the bedrock reasons why citizens all across this country are coming to distrust Washington, distrust incumbents, believe that term limits are the solution, when in fact the real solution is campaign finance reform. As long as they see a system structured that is guaranteed to provide incumbents a 3-to-1 advantage in fundraising, they will continue on their drive to change the system in ways that many people believe is an overreaction, is uncalled for, and is even dangerous.

Those who claim that spending limits actually protect incumbents, not challengers, are simply not following the facts. The fact is that the current system already favors incumbents. If we impose spending limits which hold down the total amount that can be raised, we are clearly limiting the reliance of both incumbents and challengers on big money. Without the kind of reforms that are contained in the campaign finance bill that we passed, incumbents will outspend challengers on a continued basis by at least a 2-to-1 margin. With reform, spending levels will be more equal.

We all know that under the 17th amendment of the Constitution, passed in 1913, the U.S. Senate specifically was supposed to have become a representative body. But the huge sums that it takes to get elected separate us from our constituents. I would respectfully submit that money stands as an impediment to a true connection to our

constituents, and it certainly has the appearance—an appearance as destructive as any force in American politics—of standing between us and the true concerns of the voters who elected us.

All you have to do is analyze the pattern of giving this year from health PACs, from hospitals, from anybody who has anything to do with the health industry. Take a look at committees with purview on the health debate—the Ways and Means Committee, the Finance Committee, Health and Human Services Committee—and you can directly see a pattern of contributions to the people on those committees. And I respectfully submit that you may even find a very clear pattern of what kinds of positions or advocacy was made with respect to those series of contributions.

As was said by former Senator Paul Laxalt, a Republican from Nevada and a close, close friend of President Reagan who was chair of Reagan's campaigns:

There is far too much emphasis on money and far too much time spent collecting it. It is the most corrupting thing I see on the congressional scene.

That was spoken by an individual I think most people here know was careful and judicious in his comments and rare to make such a dramatic condemnation of a political process. His feelings are obviously shared by many people in the country.

The Orlando Sentinel recently editorialized saying it is wrong to allow huge contributions from corporations and individuals to get around the legal limits. The San Francisco Chronicle last month described the campaign finance process in terms that captured one of the reasons that the public is really so angry with the Congress. The Chronicle wrote:

Because candidates spend more time in campaigns dialing for dollars than crafting policy, once in office they too often spend this time catering to the special interests. This year, candidates once again speak piously for the need for campaign finance reform while stretching out their palms more than ever before.

Mr. President, there is a perception out there about the current system that is just extraordinarily negative and damaging to each and every one of us. And we should make no mistake about the public's attitude. The American people are mad as hell, and they have reached a point where, like the movie, they feel that the only thing they can do is shout and say, "I am mad as hell, and I am not going to take it anymore." And the way they are not going to take it anymore is to pass some Draconian overreaching measure to limit good experience from returning here, to turn over Government to staffs, to create a permanent power of bureaucracy, to make more strong the Executive of this country by passing limits on the time that good public servants can serve.

The voters may not know in detail about how political committees raise

money or how we spend their funds, how soft money works, how lobbyists bundle large campaign checks. But the voters absolutely know that the current system stinks. They know that it has failed them, and they are insisting on change.

So I submit to my colleagues this is the time. These are the last days of Congress. This bill passed this body a year ago. If we do not pass campaign finance reform this year, there are many who question whether, with the potential makeup of both the House and the Senate, it can be done in the future.

That, Mr. President, is one of the reasons why some are playing so hard for delay. This is indeed another example of a cynical and calculated approach for gridlock. And those who are creating the gridlock will be the first to go back to their districts and blame it on others who are trying to bring this matter to a vote.

The truth is—and I think more Members each year are coming to the conclusion—that Congress itself is viewed by America as the prisoner of special interests. We all understand everything is a special interest. If three kids walk in here and they have a petition with a picture to give you, they are a special interest. Veterans are a special interest. Senior citizens are a special interest. Every legitimate interest is a special interest. I acknowledge that. But what has happened is clearly some have proven their ability to be able to affect the political process by virtue of money, not by virtue of a compelling idea, not by virtue of a coalition, not by virtue of a consensus. They do not even allow for a bipartisan process to work its will. They by guile employ the willingness and the rules of this process to prevent anything from happening.

This is one of those changes that could go as far as anything we could do here to begin the process of restoring credibility between ourselves and the people that we represent. I believe that if we do not do it, Mr. President, we would truly be cheating the American people.

I believe that many people were attracted to Ross Perot's campaign not only because he promised change but because he appeared beholden to no one. They liked the idea that this fellow could write his own check and not go to Washington held by any interests. They may have been wrong about Perot, but the concept remains. Even if you do not believe it, even if you do not accept that PACs somehow change the way things work here, or unfairly and overly impact policy, even if you do not accept that, surely, no one who is politically astute—and everybody here is—is going to avoid acknowledging that that perception is out there and that we ought to respond to the perception.

If it strengthens our democracy and the political process, then I think it is

good for this country. The fact is that it is entirely feasible for all of us to run much better grassroots campaigns, to appeal more to the democratic instincts of this country, by going out to people and asking for small contributions. This is preferable to relying on the extraordinary large sums of money that make up the American political process today.

Mr. President, we need to endorse a basic principle of a representative democracy here in the United States—as we struggle to do it in Haiti and in other countries around the world—and that basic principle is that a race for the U.S. legislature should not be decided on the basis of how much money you can spend. It must be decided on the quality of somebody's public service, on the quality of the contributions they have made and will make, on the promise of their campaign, on the ideas they carry and the message and the agenda they suggest for the Nation—not on the amount of bankroll they can collect from people who want to do business in Washington.

I commend to my colleagues an article that just appeared by Kevin Philips called "Fat City," which tells it pretty straight about how people feel about Washington and money. I respectfully submit to my colleagues that now is a golden moment for the U.S. Senate to respond to the cynicism, to respond to a fundamental need, and to respond to our own consciences about what is good for this Nation. And I hope that if the House of Representatives comes to a compromise, we will respect the notion of compromise and respect the need to come together without a perfect piece of legislation for anybody, but rather one which will act for the better good of all of us in this institution and in this country.

I yield the floor.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. GRAMM. Mr. President, as my colleagues will remember, prior to the recess, Republicans tried to offer a series of amendments to the then-pending crime bill conference report. In order to do that, we would have had to have sustained a point of order. We would have had to have gotten 41 votes, and we fell short of that number.

Since that time, there has been great frustration on my side of the aisle that we did not get an opportunity to vote on those amendments.

I remind my colleagues that we had 10 amendments. Four of them had to do

with what we believed was pork barrel spending in the crime bill. Basically, these amendments would knock out of the President's crime bill \$5 billion of social spending. The amendment that I will in a moment send to the desk simply goes back retroactively in a new bill and overturns funding for those four provisions, saving in the process \$5 billion.

The next amendment has to do with prison grants. One of our frustrations about the crime bill was that there was no guarantee that the funds provided for prison construction would actually go to build conventional prisons. As we all are aware, the language in the bill was somewhat fuzzy, and it allowed the money to be used for alternatives to prison. It was uncertainty about this language that produced great consternation on my side of the aisle.

We then had five amendments that proposed to insert get-tough provisions in the crime bill: 10 years in prison without parole for possessing a firearm during the commission of a violent crime or drug trafficking; 20 years for discharging the firearm; life imprisonment for killing someone; or the death penalty in aggravated cases.

We had a provision having to do with drug trafficking involving minors; 10 years in prison without parole for selling drugs to a minor or using a minor in a drug conspiracy; life imprisonment without parole on a second offense.

We had a provision that we wanted to offer that guaranteed that at the time of sentencing an illegal alien the judge could order that after they have served their sentence, they would be deported, rather than letting them out of prison and forcing the INS to go find them and begin deportation proceedings.

Finally, and probably the worst provision of the crime bill in my opinion, a delicate compromise that had been worked out here in the Senate was overturned, and whereas current law has mandatory minimum sentencing for drug felons, the bill that actually became law would overturn mandatory minimum sentencing for drug felons. It would allow people with criminal records who are convicted of selling drugs in a junior high school not to be subject to mandatory minimum sentencing and actually give judges discretion in sentencing those offenders.

The first conference report, which was rejected by the House, would have overturned mandatory minimum sentencing retroactively and could have let as many as 10,000 drug felons out of prison. Fortunately, that provision was overturned by the House and did not become the law of the land.

But what did become the law of the land was a provision that gives judges discretion and produces a situation where, even with people who had criminal records, even with people who were selling drugs to minors, we will not have a mandatory minimum sentence

that they have to serve in Federal prison.

So given our inability at the end of the August session to offer these amendments, I had decided, along with many of my colleagues, when the first bill came along that was amendable, that we would offer these amendments and at least give the Senate an opportunity to state its position on them.

We have before us an appropriations conference report, but it is a conference report, for our purposes, fortunately, that is full of legislative language. It is full of House language legislating on an appropriation bill and so this amendment is germane, in my opinion. And I believe that the Chair will rule that it is germane based on provisions in the conference report which relate to crime, to punishment, to law enforcement, to exactly the kind of provisions that we are proposing here.

Certainly, based on precedent, the Parliamentarian, in my opinion, will not rule the amendment out of order. The Parliamentarian will, in all probability, rule that there is a question about it and that would then be put to the body.

In any case, I have previously agreed with the majority leader to give him an opportunity to look at the amendment and give him an opportunity to decide how he wants to deal with it after I send the amendment to the desk. I will allow the distinguished chairman of the subcommittee to be recognized to suggest the absence of a quorum to give the majority leader an opportunity to decide how he wants to deal with this.

Mr. BIDEN. Will the Senator yield for a question?

Mr. GRAMM. I am happy to yield.

Mr. BIDEN. I thank my colleague.

The Senator was kind enough to explain to me his agreement with the majority leader. I do not know whether he is going to conclude that we would proceed tonight. My guess is, as the Senator has suggested, that we will probably proceed tomorrow.

But I would say to my friend from Texas, I am delighted, whatever the appropriate time, to debate these issues with my friend and point out to him why I believe the crime bill covers either better or more thoroughly the very things the Senator is offering his amendment about. But I assume that will come after the decision is made by the leaders as to when we will vote on these issues, is that correct?

Mr. GRAMM. Let me say, reclaiming my time, that is correct.

The only reason that I went through the amendment was to put everybody on notice that, after the majority leader decides when he wants to begin the debate on it or decides how he wants to handle it, he will notify all of us and we can be here.

The distinguished chairman of the Judiciary Committee and I have debated these issues on many occasions.

Mr. BIDEN. We have.

Mr. GRAMM. I always enjoy debating him on these issues and I am sure I will have an opportunity to soon do it again.

But my sole purpose here was to just let people know what is contained in the amendment, to put people on notice, because I know Senators will want to be here to debate it.

So, with the previous agreement that we will have the distinguished chairman of the D.C. Appropriations Subcommittee seek the floor, that I will stand down and allow him to be recognized, and that he will suggest the absence of a quorum so we can decide how to proceed, I send the amendment to the desk.

AMENDMENT IN DISAGREEMENT TO THE SENATE AMENDMENT NUMBERED 3

The PRESIDING OFFICER. If the Senator will withhold for one moment so the clerk can report the first amendment in disagreement which the Senator seeks to amend.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed in said amendment, insert: "of which \$1,500,000 shall be used to provide additional support to title I (chapter I) of the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq.) and \$910,000 shall be available for the National Learning Center, Options School (\$750,000) and Model Early Learning Center (\$160,000)."

AMENDMENT NO. 2585 TO THE AMENDMENT IN DISAGREEMENT TO THE SENATE AMENDMENT NUMBERED 3

(Purpose: To strengthen the Violent Crime Control and Law Enforcement Act of 1994 by reducing the number of social programs and increasing the penalties for criminal activity)

Mr. GRAMM. Mr. President, I thank you for your kindness in putting us in the procedural place where I might offer the amendment.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator seek consent to have the reading of the amendment dispensed with?

Mr. KOHL. Yes.

Without objection, the clerk will report it by number.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2585, to the House amendment to the Senate amendment No. 3.

The text of the amendment is located in today's RECORD under "Amendments Submitted."

Mr. KOHL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate be in morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I voted today for the Haiti resolution sponsored by the majority leader. I do not want to repeat what others have already said, but I do want to say a few words on the subject of amnesty for the Haitian military.

I first want to commend President Clinton, former President Carter, General Powell, and Senator NUNN for their achievement. It is far preferable that the crisis in Haiti be resolved without bloodshed. The agreement signed on Sunday which paved the way for our troops to enter Haiti without firing a shot was an enormous relief to me and the overwhelming majority of Vermonters. There has been far too much suffering in Haiti. If democracy is restored and takes root in Haiti, I suspect we will look back on this chaotic episode with satisfaction.

It is far too soon to say how the situation in Haiti will evolve. President Aristide should be returned at the earliest possible time. Our troops should come home as soon as the United Nations can take over responsibility for maintaining security. General Cedras, General Biambé, and Police Chief François should face the fact that they are no longer wanted in Haiti. They are responsible for outrageous crimes against the Haitian people, and they should have no future in Haiti.

There are many questions about the interpretation of the agreement which will not be answered for some time. However, one item especially concerns me. The agreement requires General Cedras and General Biambé to step down as soon as the Haitian Parliament enacts a general amnesty. According to President Clinton, the amnesty law is to be as it was called for by the Governors Island agreement. That agreement, which General Cedras and President Aristide signed in July 1993, called for President Aristide to grant an amnesty within the framework of article 147 of the Haitian Constitution. Article 147 states that an amnesty may be granted by the Haitian President only in political matters.

Mr. President, I believe this is extremely important. Those responsible for the unspeakable violations of

human rights in Haiti, which have resulted in the deaths of thousands of people there, should not escape prosecution for murder, rape, torture, and other such crimes. I am concerned because the Haitian Parliament is widely regarded as sympathetic to the Haitian military. The administration should make clear to the Haitian Parliament that any amnesty law needs to be fully consistent with the Governors Island agreement, if it is to conform to the agreement signed on Sunday in Port au Prince.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 103-35

Mr. CONRAD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a treaty transmitted to the Senate on September 19, 1994, by the President of the United States: Treaty Between the United States of America and Jamaica Concerning the Reciprocal Encouragement of Protection of Investment, with Annex and Protocol (Treaty Document 103-35).

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and Jamaica Concerning the Reciprocal Encouragement and Protection of Investment, with Annex and Protocol, signed at Washington on February 4, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

This bilateral investment Treaty with Jamaica is the second such Treaty between the United States and a member of the Caribbean Community [CARICOM]. This Treaty will protect U.S. investors and assist Jamaica in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthening the development of the private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards

for expropriation and compensation for expropriation; free transfer of funds associated with investments; freedom of investments from performance requirements; fair, equitable and most-favored-nation treatment; and the investor or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 19, 1994.

CORRECTION OF THE ENROLLMENT OF THE CONFERENCE REPORT ACCOMPANYING S. 2182

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 285, a concurrent resolution to correct the enrollment of the conference report accompanying S. 2182, the Department of Defense authorization bill just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
A concurrent resolution (H. Con. Res. 285) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2586

Mr. CONRAD. Mr. President, in behalf of Senator NUNN, I send an amendment to the desk and ask for its immediate consideration; I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2586

Mr. CONRAD offered an amendment No. 2586 for Mr. NUNN.

The amendment is as follows:

At the end of the concurrent resolution, add the following new paragraphs:

(3) In section 132(a)(1)(C), strike out "(described in subsection (i))" and insert in lieu thereof "(described in subsection (h))".

(4) In section 924, strike out "Court of Military Criminal Appeals" each place it appears and insert in lieu thereof "Court of Criminal Appeals".

(5) In section 1661(b)(4)—
(A) strike out "by adding at the end" in subparagraph (A) and insert in lieu thereof "by inserting after section 3020"; and

(B) strike out "by adding at the end" in subparagraph (B) and insert in lieu thereof "by inserting after section 8020".

(6) In section 2832, strike out "Authority" each place it appears (other than in the caption of subsection (b)) and insert in lieu thereof "Agency".

The PRESIDING OFFICER. If there are no further amendments, without objection, the concurrent resolution, as amended, is agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the concurrent resolution, as amended, was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICIAL PAPERS RETURNED TO THE HOUSE OF REPRESENTATIVES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to return to the House the official papers on S. 725, pursuant to House Resolution 534, which was agreed to by the House on September 20, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

JERRY LITTON UNITED STATES POST OFFICE BUILDING ACT

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 1779) to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 1779) entitled "An Act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the 'Jerry L. Litton United States Post Office Building'", with the following amendments:

Page 3, lines 3 and 4, strike out "proceeding", and insert: "preceding".

Page 4, line 3, strike out "section 1", and insert: "section 4".

Mr. CONRAD. Mr. President, I move that the Senate concur en bloc with the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GUAM EXCESS LANDS TRANSFER ACT

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 496, H.R. 2144, relating to a land transfer in Guam, that

the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I bring to the floor for consideration of the Senate H.R. 2144, the Guam Excess Lands Act. In 1944, following the liberation of Guam from Japanese occupation during the Pacific campaign of World War II, the United States Government established a naval base on the island. Since that time, the military situation in the region has changed, and it has become apparent that certain lands in Guam are excess to the needs of the military. H.R. 2144 would provide for the transfer of 3,200 acres of excess Department of Defense lands—a significant portion of the island—to the government of Guam for public benefit use. The transfer of this property will resolve longstanding issues in Guam, and will relieve the Department of Defense of a financial and administrative burden. The people of Guam have long awaited this transfer of land, and I urge the passage of this measure to that end.

So the bill (H.R. 2144) was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed.

BILL REFERRED TO COMMITTEE—S. 1686

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 1686, a bill to amend the Alaska Native Claims Settlement Act, and that the bill be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

PISCATAWAY NATIONAL PARK EXPANSION ACT OF 1993

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 1703) to expand the boundaries of the Piscataway National Park, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1703) entitled "An Act to expand the boundaries of the Piscataway National Park, and for other purposes", do pass with the following amendments:

Page 1, line 4, strike out "National". Amend the title so as to read: "An Act to expand the boundaries of Piscataway Park, and for other purposes."

Mr. CONRAD. Mr. President, I move that the Senate concur en bloc in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN HEALTH SERVICES LEGISLATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 545, S. 2067, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services; that the committee amendment be agreed to, the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table; further, that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2067) was deemed read the third time, and passed, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets, and the part of the bill intended to be inserted is shown in *italic*.)

S. 2067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) **ESTABLISHMENT.**—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health.

(b) **ASSISTANT SECRETARY OF INDIAN HEALTH.**—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services may designate.

(c) **REFERENCES.**—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document or relating to the Director of the Indian Health Service shall be deemed to refer the Assistant Secretary for Indian Health.

(d) **RATE OF PAY.**—(1) Section 5315 of title 5, United States Code, is amended by striking the following:

"Assistant Secretaries of Health and Human Services (5).";

and inserting the following:

"Assistant Secretaries of Health and Human Services (6)."

(2) Section 5316 of such title is amended by striking the following:

"Director, Indian Health Service, Department of Health and Human Services."

(e) **CONFORMING AMENDMENTS.**—(1) Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661) is amended—

(A) in the second sentence of subsection (a), by striking "a Director," and inserting "the Assistant Secretary for Indian Health,";

(B) in the fourth sentence of subsection (a), by striking "the Director" and inserting "the Assistant Secretary for Indian Health";

(C) by striking out the fifth sentence of subsection (a); and

(D) by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(2) The following provisions are amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health":

(A) Section 816(c)(1) of the Indian Health Care Improvement Act (25 U.S.C. 1680f(c)(1)).

(B) Section 2033(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(C) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377(b), (e)).

(D) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)).

SEC. 2. ORGANIZATION OF INDIAN HEALTH SERVICE WITHIN DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(A) ORGANIZATION.—Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661), as amended by section 1(e)(1), is further amended—

(1) by striking out "within the Public Health Service of the Department of Health and Human Services" each place it appears and inserting "within the Department of Health and Human Services"; and

(2) in the second sentence of subsection (a), by striking out "report to the Secretary through the Assistant Secretary for Health of the Department of Health and Human Services" and inserting "report to the Secretary".

(b) CONFORMING AMENDMENT.—The section heading of such section is amended by striking the following:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE";

and inserting the following:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF DEPARTMENT OF HEALTH AND HUMAN SERVICES".

(c) UTILIZATION OF PUBLIC HEALTH SERVICE PERSONNEL.—[Nothing in this section shall be interpreted as terminating or otherwise modifying any authority providing for the utilization] The Secretary shall provide for the utilization by the Indian Health Service of officers or employees of the Public Health Service for the purposes of carrying out the responsibilities of the Indian Health Service. Any officers or employees so utilized shall be treated as officers or employees detailed to an executive department under section 214(a) of the Public Health Service (42 U.S.C. 215(a)).

THE CALENDAR

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of calendar Nos. 601, 602, 606; that the committee amendment, where appropriate, be agreed to, the bills be deemed read the third time, passed, and the motions to reconsider be laid upon the table en bloc; that the title amendment, where appropriate, be agreed to; further, that any statements relating to these calendar items appear at the appropriate place in the RECORD,

and the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW LONDON NATIONAL FISH HATCHERY ACT

The Senate proceeded to consider the bill (H.R. 3664) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, which had been reported from the Committee on Environment and Public Works, with an amendment and an amendment to the title, as follows:

(The parts of the bill intended to be inserted are shown in italic.)

H.R. 3664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF NEW LONDON NATIONAL FISH HATCHERY PRODUCTION FACILITY.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Minnesota without reimbursement all right, title, and interest of the United States in and to the property comprising the New London National Fish Hatchery production facility, located outside of downtown New London, Minnesota, including—

(1) all easements and water rights relating to that property, and

(2) all land, improvements, and related personal property comprising that production facility.

(b) USE OF PROPERTY.—All property and interests conveyed under this section shall be used by the Minnesota Department of Natural Resources for the Minnesota fishery resources management program.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property and interests conveyed under this section shall revert to the United States on any date on which any of the property or interests are used other than for the Minnesota fishery resources management program.

SEC. 2. CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA.

(a) CONVEYANCE.—The Secretary of the Interior shall convey to the State of Iowa, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the fish hatchery described in subsection (b) for use by the State for purposes of fishery resources management.

(b) HATCHERY DESCRIBED.—The fish hatchery described in subsection (a) is the Fairport National Fish Hatchery located in Muscatine County, Iowa, adjacent to State Highway 22 west of Davenport, Iowa, including all real property, improvements to real property, and personal property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Iowa pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States.

SEC. 3. CONVEYANCE OF CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the State

of Arkansas, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Corning National Fish Hatchery (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas consisting of 137.34 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

Amend the title so as to read: "A bill to direct the Secretary of the Interior to transfer certain national fish hatcheries."

The bill was ordered to a third reading, read the third time, and passed.

TIJUANA SLOUGH NATIONAL WILDLIFE REFUGE LAND CONVEYANCE

The bill (H.R. 4647) to direct the Secretary of the Interior to convey to the city of Imperial Beach, CA, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 4647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND IN TIJUANA SLOUGH NATIONAL WILDLIFE REFUGE.

(a) REQUIREMENT.—The Secretary of the Interior shall expeditiously convey to the City of Imperial Beach, California, without compensation, all right, title, and interest to the United States in and to approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge, as depicted on a United States Fish and Wildlife Service map entitled "T-ball Field, Tijuana Slough National Wildlife Refuge", dated June 1994, for use as a public recreational area.

(b) REVERSIONARY INTEREST IN THE UNITED STATES.—Upon any date on which any of the land in which right, title, and interest is conveyed under subsection (a) ceases to be used by the City of Imperial Beach, California, for public recreational purposes—

(1) all such right, title, and interest shall revert to the Government of the United States; and

(2) such land shall be reincorporated into the Tijuana Slough National Wildlife Refuge.

JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT

The bill (H.R. 3679) to authorize appropriations to expand implementation

of the Junior Duck Stamp Conservation Program conducted by the U.S. Fish and Wildlife Service was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 3679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Junior Duck Stamp Conservation and Design Program Act of 1994".

SEC. 2. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior (in this Act referred to as the "Secretary") may carry out in accordance with this Act a program to be known as the "Junior Duck Stamp Conservation and Design Program" (in this Act referred to as the "Program") to accomplish the goals of—

(1) providing to school children environmental education opportunities relating to the conservation and management of migratory birds; and

(2) increasing the capacity for schools, States, and other educational programs to conduct conservation and education programs.

(b) PROGRAM FEATURES.—The Program shall consist of—

(1) conducting in all interested States the activities which on the day before the date of the enactment of this Act are conducted under the program known as the Junior Duck Stamp Conservation and Design Program;

(2) other activities authorized under the Program by this or any other Act; and

(3) any other activity necessary to carry out the conservation and education goals of the Program.

(c) EFFORT TO CONDUCT PROGRAM IN ALL STATES.—

(1) IN GENERAL.—The Secretary shall take appropriate steps to seek to conduct the Program in all of the 50 States.

(2) ANNUAL REPORT.—The Secretary shall annually submit a report to the Congress on the status of the Program in each of the 50 States.

SEC. 3. JUNIOR DUCK STAMP.

(a) COMPETITION.—As part of the Program, the Secretary may annually conduct a competition to—

(1) solicit the submission by students at elementary and secondary schools of designs relating to conservation of migratory birds; and

(2) select winning designs from among those submissions for use for licensing and marketing under subsection (b).

(b) LICENSING AND MARKETING OF DESIGN OF JUNIOR DUCK STAMPS.—As part of the Program, the Secretary may—

(1) license and market winning designs selected in competitions under subsection (a); and

(2) license and market stamps bearing those designs, which shall be known as Junior Duck Stamps.

(c) USE OF PROCEEDS FROM LICENSING AND MARKETING OF JUNIOR DUCK STAMPS AND JUNIOR DUCK STAMP DESIGNS.—Amounts received under subsection (b)—

(1) shall be available to the Secretary until expended, without further appropriations, solely for—

(A) awards and scholarships to individuals who submit designs in competitions under subsection (a), that are—

(i) selected in such a competition as winning designs; or

(ii) otherwise determined in such a competition to be superior;

(B) awards to schools and other participants to further education activities related to the conservation education goals of the Program; and

(C) expenses for licensing and marketing under subsection (b); and

(2) may not be used for administrative expenses of the Program.

SEC. 4. ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.

The Secretary may accept and use any gift, devise, or bequest of personal property, or proceeds thereof, for the purpose of funding the activities described in section 3(c)(1) (A) and (B).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for administrative expenses of the Program \$250,000 for each of the fiscal years 1995 through 2000.

SEC. 6. ENVIRONMENTAL EDUCATION CENTER AND REFUGE HEADQUARTERS AT JOHN HEINZ NATIONAL WILDLIFE REFUGE AT TINICUM.

(a) IN GENERAL.—Notwithstanding other laws and subject to subsection (b), the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may transfer to the National Fish and Wildlife Foundation the Cusano bequest.

(b) CONDITIONS OF TRANSFER.—As a condition of transferring the Cusano bequest under subsection (a), the Secretary of the Interior shall require the National Fish and Wildlife Foundation to enter into an agreement under which the Foundation is required to—

(1) solicit additional non-Federal contributions to provide a dollar for dollar match of the Cusano bequest;

(2) manage the Cusano bequest and those contributions in accordance with all applicable requirements of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.);

(3) use all amounts and proceeds from the Cusano bequest and any non-Federal contributions received pursuant to paragraph (1) for the purpose of designing and constructing a facility for an environmental education center and refuge headquarters on lands located within the John Heinz National Wildlife Refuge at Tinicum; and

(4) donate the facility to the United States Fish and Wildlife Service upon completion of its construction.

(c) CUSANO BEQUEST DEFINED.—For purposes of this section, the term "Cusano bequest" means the amounts totaling approximately \$2,473,971 which were donated to the Department of the Interior in 1994 by Mr. Antonio Cusano of Crum Lynne, Pennsylvania, and includes all proceeds derived from such amounts in the period since the donation was made.

PLANT VARIETY PROTECTION ACT AMENDMENTS OF 1994

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 1406) to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1406) entitled "An Act to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) REFERENCES TO PLANT VARIETY PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"§41. Definitions and rules of construction

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) METHODS.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEED.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) TUBER PROPAGATED.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(9) **VARIETY.**—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) **RULES OF CONSTRUCTION.**—For the purposes of this Act:

"(1) **SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.**—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) **SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.**—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) **SALE OR DISPOSITION OF HYBRID SEED.**—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) **APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.**—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) **DISTINCTNESS.**—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) **PUBLICLY KNOWN VARIETIES.**—

"(A) **IN GENERAL.**—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) **DESCRIPTION.**—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) **OTHER MEANS.**—A variety may become publicly known and a matter of common knowledge by other means."

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"§42. Right to plant variety protection; plant varieties protectable

"(a) **IN GENERAL.**—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety

protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) **MULTIPLE APPLICANTS.**—

"(1) **IN GENERAL.**—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) **REQUIREMENTS COMPLETED ON SAME DATE.**—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) **VARIETIES INDISTINGUISHABLE.**—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants."

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary."

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new;" and

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting "(including any propagating material)" after "basic seed".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

(3) by adding at the end the following new paragraph:

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right."

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "six months" and inserting "at least 30 days, and not more than 180 days"; and

(2) by striking "in exceptional circumstances".

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

"(2) If the owner so elects, the certificate shall—

"(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

"(B) if so specified, conform to the number of generations designated by the owner.

"(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A)."

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: Provided, however, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 8. PRIORITY CONTEST.

(a) **PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.**—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) **INTERFERING PLANT VARIETY PROTECTION.**—

(1) **REDESIGNATION.**—Section 94 of the Act (7 U.S.C. 2504) is redesignated a section 92.

(2) **AMENDMENTS.**—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) **APPEAL OR CIVIL ACTION IN CONTESTED CASES.**—

(1) **TRANSFER.**—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) **REPEAL.**—Section 73 (as amended by paragraph (1)) is repealed.

(d) **CONFORMING AMENDMENTS.**—

(1) Section 71 (7 U.S.C. 2461) is amended by striking "92".

(2) Section 102 (7 U.S.C. 2532) is amended by inserting "or tuber propagable" after "sexually reproducible" each place it appears.

SEC. 9. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting ", or propagate by a tuber or a part of a tuber," after "sexually multiply";

(E) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b)(1) Subject to paragraph (2), the owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(2) In the case of a contract between a seed producer and the owner of a protected variety of lawn, turf, or forage grass seed, or alfalfa or clover seed for the production of seed of the protected variety, the producer shall be deemed to be authorized by the owner to sell such seed and to use the variety if—

"(A) the producer has fulfilled the terms of the contract;

"(B) the owner refuses to take delivery of the seed or refuses to pay any amounts due under the contract within 30 days of the payment date specified in the contract; and

"(C) after the expiration of the period specified in subparagraph (B), the producer notifies the owner of the producer's intent to sell the seed and unless the owner fails to pay the amounts due under the contract and take delivery of the seed within 30 days of such notification. For the purposes of this paragraph, the term 'owner' shall include any licensee of the owner.

"(3) Paragraph (2) shall apply to contracts entered into with respect to plant varieties protected under this Act (7 U.S.C. 2321 et seq.) as in effect on the day before the effective date of this provision as well as plant varieties protected under this Act as amended by the Plant Variety Protection Act Amendments of 1994.

"(4) Nothing in this subsection shall affect any other rights or remedies of producers or owners that may exist under other Federal or State laws.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided under this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that is sold or otherwise marketed with the

consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes."

SEC. 10. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: Provided, That" and all that follows through the period and inserting "section."

SEC. 11. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 12. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

(2) by adding at the end the following new paragraph:

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, or alfalfa or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law."

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—

(1) in the second sentence, by striking "he" and inserting "the officer"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(d) Section 24 (7 U.S.C. 2354) is amended—

(1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and

(2) in the second sentence of subsection (c)—

(A) by striking "this fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and

(B) by striking "him" and inserting "the witness".

(e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears and inserting "the person".

(f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".

(g) Section 53 (7 U.S.C. 2423) is amended—

(1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and

(2) in subsection (b), by striking "he" and inserting "the Secretary".

(h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".

(i) Section 55 (7 U.S.C. 2425) is amended—

(1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and

(2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".

(j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "him" and inserting "an applicant";

(2) by striking "an applicant shall" and inserting "the applicant shall"; and

(3) by striking "he" and inserting "the Secretary".

(k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".

(l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".

(m) Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a) (as amended by section 7(1)(A))—

(A) in paragraph (1), by striking "(or his successor in interest) his heirs and assignees" and inserting "(or the successor in interest of the breeder)"; and

(B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and

(2) in subsection (c), by striking "he" and inserting "the last owner".

(n) Section 86 (7 U.S.C. 2486) is amended—

(1) in the first sentence, by striking "him" and inserting "the Secretary"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".

(p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".

(q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

(r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".

(s) Section 113 (7 U.S.C. 2543) is amended—

(1) in the first sentence—

(A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 14. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) APPLICATIONS REFILED.—

(1) IN GENERAL.—An applicant may refile a pending application on or after the effective date of this Act.

(2) EFFECT OF REFILE.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) LABELING.—

(1) IN GENERAL.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) SANCTIONS.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 15. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

Mr. CONRAD. I move the Senate concur in the House amendment to the Senate bill.

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Chairman LEAHY of Vermont from the Department of Agriculture regarding the Plant Variety Protection Act.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, August 19, 1994.

Hon. PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition,
and Forestry, U.S. Senate, Washington, DC
DEAR MR. CHAIRMAN: This is to respond to your request for the Department's position on S. 1406, to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory.

The Department recommends passage of S. 1406 as approved by the House of Representatives on August 12, 1994.

In the United States, one effective form of protecting new plant varieties that are reproduced by seed is by means of the Plant Variety Protection Act (PVPA). To afford our plant breeders protection in other countries as well, the United States became a member of the 1978 Act of the UPOV Convention, in 1981. After several years of extended negotiations, the UPOV Convention was significantly revised in 1991 to provide plant breeders with improved protection for innovative plant varieties. The United States is a signatory to the 1991 Act of the UPOV Convention; and, this legislation, if enacted, will enable the United States to adhere or become party to the 1991 version through ratification.

Major provisions include: (1) prohibiting the unauthorized sale of seed by farmers to others; (2) establishing a category of "essentially derived varieties"; (3) using date of filing for protection as the basis for determining eligibility for protection; (4) requiring that protected varieties be sold by variety name only (with a narrow exemption provided for lawn, turf, or forage grass seed, al-

falfa, or clover seed); (5) extending protection to first generation hybrids; (6) extending the period of protection from 18 to 20 years for most crops and from 18 to 25 years for trees and vines; and (7) expanding the scope of protection. Each of these changes are needed to conform the PVPA to the 1991 Act of the UPOV Convention. In addition, and at the request of the potato industry, provision is made for including tuber-propagated varieties within the scope of the PVPA.

If enacted, this legislation will enable the United States to deposit its instrument of ratification, thereby adhering to the 1991 Act of the UPOV Convention.

The Office of Management and Budget advises that there is no objection to the presentation of the report from the standpoint of the Administration's program.

Sincerely,

RICK ROMINGER,
(for Mike Espy, Secretary).

CRIME PREVENTION MONTH

Mr. CONRAD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 363, and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read the third time, passed, and the motion to reconsider laid upon the table; that the preamble be agreed to, and that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 363) was deemed read the third time, and passed.

The preamble was agreed to.

THE USE OF AVAILABLE FUNDS
BY THE ENERGY COMMITTEE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Rules Committee be discharged from the immediate consideration of Senate resolution 256, a resolution relating to the use of available funds by the Energy Committee; that the Senate proceed to its immediate consideration; that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 256) was agreed to, as follows:

S. RES. 256

Resolved, That section 9(c) of the Omnibus Committee Funding Resolution for 1993 and 1994 (S. Res. 71; 103d Congress, 1st Session) is amended by adding before the period the following: "of which amount not to exceed \$100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended)".

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. If there is no objection, morning business is now closed.

HOUSE OF REPRESENTATIVES
CAMPAIGN SPENDING LIMIT AND
ELECTION REFORM ACT OF 1993—
MESSAGE FROM THE HOUSE

Mr. CONRAD. Mr. President, I ask the Chair to lay before the Senate a message from the House on S. 3, entitled the "Congressional Spending Limit and Election Reform Act of 1993."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3) entitled "An Act entitled the 'Congressional Spending Limit and Election Reform Act of 1993,'" do pass with amendments.

The Senate resumed consideration of the message from the House.

CLOTURE MOTION

Mr. CONRAD. Mr. President, I send to the desk a cloture motion on the motion to disagree and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to the Senate bill, S. 3, the Campaign Finance Reform Act:

David Boren, Wendell Ford, Harlan Mathews, John Glenn, Paul Simon, Barbara Mikulski, Don Riegle, Frank R. Lautenberg, Claiborne Pell, Joseph Lieberman, Charles S. Robb, Chris Dodd, John F. Kerry, Tom Harkin, Barbara Boxer, David Pryor, Daniel K. Akaka.

Mr. CONRAD. Mr. President, I ask unanimous consent that with respect to this cloture motion the mandatory live quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate return to morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON PROGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF THE RUSSIAN FEDERATION—PM 146

The PRESIDING OFFICER laid before the Senate a message from the President of the United States with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit a report concerning the emigration laws and policies of the Russian Federation as required by subsections 402(b) and 409(b) of Title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that the Russian Federation is in full compliance with the criteria in subsections 402(a) and 409(a) of the Act. As required by Title IV, I will provide the Congress with periodic reports regarding the Russian Federation's compliance with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 21, 1994.

MESSAGES FROM THE HOUSE

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 716. An act to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes.

S. 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4307. An act to amend title 35, United States Code, with respect to applications for process patents, and for certain other purposes.

The message also announced that the House has agreed to H. Res. 534 to correct the engrossment of the amendment of the House of Representatives to the bill (S. 725) to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs

with respect to traumatic brain injury, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Education and Labor, for consideration of the House bill and the Senate amendment (except for sections 601-603 and 801-805), and modifications committed to conference: Mr. FORD of Michigan, Mr. KILDEE, Mr. WILLIAMS, Mr. OWENS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. UNSOELD, Mrs. MINK of Hawaii, Mr. REED, Mr. ROEMER, Mr. ENGEL, Mr. BECERRA, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELÓ, Ms. ENGLISH of Arizona, Mr. STRICKLAND, Mr. UNDERWOOD, Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BALLENGER, Ms. MOLINARI, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. MCKEON, and Mr. MILLER of Florida.

From the Committee on Education and Labor, for consideration of sections 601-603 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. OWENS, Mr. PAYNE of New Jersey, Mr. FAWELL, and Mr. BALLENGER.

From the Committee on Education and Labor, for consideration of sections 801-805 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. WILLIAMS, Mr. SAWYER, Mr. PETRI, and Mr. GUNDERSON.

From the Committee on Agriculture, for consideration of sections 801-805 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. STENHOLM, and Mr. ROBERTS.

From the Committee on Ways and Means, for consideration of sections 601-603 of the Senate amendment, and modifications committed to conference: Mr. GIBBONS, Mr. FORD of Tennessee, and Mr. ARCHER.

The message also announced that under the authority granted in clause 6 of rule X, the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes:

As an additional conferee from the Committee on Education and Labor, for consideration of the House bill and the Senate amendment (except sec-

tions 601-603 and 801-805), and modifications committed to conference: Mr. MILLER of California.

MEASURES REFERRED

The following bills were read the first and second times, by unanimous consent, and referred as indicated:

H.R. 4192. An act to designate the United States Post Office located at 100 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. United States Post Office"; to the Committee on Governmental Affairs;

H.R. 4193. An act to designate the United States Post Office located at 100 Vester Gade, in Cruz Bay, Saint John, Virgin Islands, as the "Ubalda Simmons United States Post Office"; to the Committee on Governmental Affairs;

H.R. 4194. An act to designate the United States Post Office located in the Tutu Park Mall in Saint Thomas, Virgin Islands, as the "Earle B. Otley United States Post Office"; to the Committee on Governmental Affairs;

H.R. 4452. An act to designate the Post Office building at 115 West Chester in Ruleville, Mississippi, as the "Fannie Lou Hamer United States Post Office"; to the Committee on Governmental Affairs;

H.R. 4541. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa; to the Committee on Foreign Relations;

H.R. 4551. An act to designate the Post Office building located at 301 West Lexington in Independence, Missouri, as the "William J. Randall Post Office"; to the Committee on Governmental Affairs;

H.R. 4571. An act to designate the United States Post Office located at 103-104 Estate Richmond in Saint Croix, Virgin Islands, as the "Wilbert Armstrong United States Post Office"; to the Committee on Governmental Affairs; and

H.R. 4950. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill, received from the House of Representatives for concurrence on September 19, 1994, and remaining undisposed of, was read the first and second times by unanimous consent and placed on the calendar:

H.R. 4308. An act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3318. A communication from the Secretary of Defense, transmitting, pursuant to law, a report related to the report on program activities for facilitation of weapons destruction and nonproliferation in the

Former Soviet Union; to the Committee on Armed Services.

EC-3319. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Belarus Environmental Restoration Project; to the Committee on Armed Services.

EC-3320. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to a joint research and development program with the Former Soviet Union; to the Committee on Armed Services.

EC-3321. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report on future career management systems for U.S. military officers; to the Committee on Armed Services.

EC-3322. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report on savings associations; to the Committee on Banking, Housing, and Urban Affairs.

EC-3323. A communication from the Assistant to the President (Economic Policy), transmitting, pursuant to law, a report entitled "Whether Foreign Governments or Companies Have a Coordinated Strategy to Acquire U.S. Critical Technology Companies and Whether Foreign Governments Use Espionage Activities to Obtain Commercial U.S. Critical Technology Secrets"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3324. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the streamlining plan; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the Board's budget submission for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-3326. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of claims activity during calendar year 1993; to the Committee on Commerce, Science, and Transportation.

EC-3327. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC-3328. A communication from the Acting Assistant General Counsel (International and Legal Policy), Department of Energy, the notice of a meeting of the Industry Advisory Board of the International Energy Agency; to the Committee on Energy and Natural Resources.

EC-3329. A communication from the Deputy Associate Director for Compliance, Minerals Management Service (Royalty Management Program), Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3330. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on certain genetically modified microbial pesticides; to the Committee on Environment and Public Works.

EC-3331. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to abnormal occurrences at licensed facilities for the period January 1 through

March 31, 1994; to the Committee on Environment and Public Works.

EC-3332. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report on the Atlantic Intracoastal Waterway Bridge Replacement at Great Bridge Chesapeake, Virginia; to the Committee on Environment and Public Works.

EC-3333. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of a plan for a new disability claim process; to the Committee on Finance.

EC-3334. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access"; to the Committee on Finance.

EC-3335. A communication from the President of the United States, transmitting, consistent with the War Powers Resolution, a report on Haiti; to the Committee on Foreign Relations.

EC-3336. A communication from the Acting Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, the report of the Development Assistance Program allocations for fiscal year 1994; to the Committee on Foreign Relations.

EC-3337. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report to the United Nations on the Status of Women from 1985 through 1994; to the Committee on Foreign Relations.

EC-3338. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the report entitled "Arms Control, Nonproliferation and Disarmament Studies Completed in 1993"; to the Committee on Foreign Relations.

EC-3339. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on entities that have not submitted audit reports to the Federal Audit Clearinghouse for fiscal years 1991 and 1992; to the Committee on Governmental Affairs.

EC-3340. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on the implementation of the Computer Matching and Privacy Protection Act of 1988 for calendar year 1991; to the Committee on Governmental Affairs.

EC-3341. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report entitled "Temporary Federal Employment: In Search of Flexibility and Fairness"; to the Committee on Governmental Affairs.

EC-3342. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Review of Public Service Commission Agency Fund Deposits and Expenditures for fiscal years 1992 and 1993"; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals

from the Concurrent Resolution for Fiscal Year 1995" Rept. No. 103-370).

By Mr. INOUE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1216. A bill to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation (Rept. No. 103-371).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DANFORTH (for himself, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. GRASSLEY, Mr. BAUCUS, Mr. CHAFFEE, Mr. RIEGLE, Mr. ROTH, Mr. DASCHLE, and Mr. BREAUX):

S. 2445. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Finance.

By Mr. CRAIG:

S. 2446. A bill for the relief of Pyonghui Gonion Arrington; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2447. A bill to authorize a certificate of documentation for the vessel *Lady Hawk*; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. HEFLIN, and Mr. CRAIG):

S. 2448. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 2449. A bill to modify the estate recovery provisions of the Medicaid program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. BINGAMAN, Mr. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. CHAFFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mr. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mr. HUTCHISON, Mr. INOUE, Mr. JEFFORDS, Mr. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Mr. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 220. A joint resolution to designate October 19, 1994, as "National Mammography Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 263. A resolution to express the sense of the Senate condemning the cruel and tortuous practice of female genital mutilation; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. INOUE, Mr. CAMPBELL, Mr. BAUCUS, Mr. BINGAMAN, Mr. DASCHLE, Mr. DECONCINI, Mr. DOMENICI, Mr. DORGAN, Mr. FEINGOLD, Mr. GORTON, Mrs. KASSEBAUM, Mr. KOHL, Mr. LEVIN, Mr. PRESSLER, Mr. RIEGLE, Mr. SIMON, and Mr. WELLSTONE):

S. Res. 264. A resolution expressing the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals for Indians; to the Committee on Indian Affairs.

By Mr. BROWN (for himself and Mr. DECONCINI):

S. Res. 265. A resolution to express the sense of the Senate concerning District Council elections in Hong Kong on September 18, 1994; to the Committee on Foreign Relations.

By Mr. BROWN:

S. Res. 266. A resolution to express the sense of the Senate concerning the future commitment of U.S. military forces overseas; to the Committee on Foreign Relations.

S. Res. 267. A resolution concerning the withdrawal of United States troops from Haiti; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH (for himself, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. GRASSLEY, Mr. BAUCUS, Mr. CHAFEE, Mr. RIEGLE, Mr. ROTH, Mr. DASCHLE, and Mr. BREAUX):

S. 2445. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Finance.

THE GENERATION-SKIPPING TRANSFER TAX ACT OF 1994

• Mr. DANFORTH. Mr. President, I am pleased to join with my colleagues, Senators BOREN, WALLOP, PRYOR, GRASSLEY, BAUCUS, CHAFEE, RIEGLE, ROTH, DASCHLE, and BREAUX, to introduce a bill to correct minor flaws in the generation-skipping transfer tax [GSTT] law which we believe were unintentionally overlooked by Congress at the time of enactment and subsequent amendment.

Every year the need for charitable services seems to increase. Thus, it is imperative that the tax law not discourage charitable giving unless absolutely necessary to advance other goals of tax policy. Unfortunately, a needless disincentive to charitable giving exists

in a part of the generation-skipping transfer tax law.

The principle behind the GSTT is to ensure that Federal tax is not avoided when property is enjoyed and then transferred from one generation to others. Current law provides that GSTT is imposed on gifts or bequests from, for example, grandparents to grandchildren. However, a grandchild may move-up a generational level if the grandchild's parent predeceases the grandchild. Thus, the gift or bequest would not be subject to the GSTT. This move-up exception is extremely important because the combined application of the GSTT and estate or gift tax is severe: an effective tax rate of almost 80 percent.

Unfortunately, the exception is not extended to transfers to collateral descendants even though there is no tax avoidance purpose. Thus, the law discriminates against gifts or bequests to grandnieces and grandnephews, even when the grandparent has no living lineal descendants.

In addition, under current law a gift or bequest transferred through a trust, that provides income to a charity and then distributes the trust property to a grandchild, would be taxable under the GSTT provisions. Congress has recognized that such trusts are a desirable mechanism to encourage transfers to charities. Thus, the GSTT should not produce dramatically different results based upon the manner in which the transferor chooses to benefit the charity.

Our bill focuses on the so-called move-up exception. The changes we propose would apply to terminations, distributions and transfers occurring after the bill's enactment. These terminations, distributions, and transfers are those which would be generation-skipping transfers and subject to the GSTT except for the application of the move-up exception as amended by this legislation.

First, we propose that the move-up exception include collateral descendants, such as grandnieces and grandnephews. Thus, gifts or bequests to such descendants would not be subject to the GSTT.

Second, we propose that the move-up exception include certain transfers to trusts. Despite Congress' clear intention in the 1986 GSTT amendments to make the application of the law uniform regardless of how property is transferred, the move-up exception is limited to direct gifts and bequests only, and is not available for transfers through a trust. We are particularly concerned that this has the effect of strongly discouraging individuals whose direct gifts or bequests would otherwise be covered by the move-up exception from establishing a charitable trust before distributing property to family members. Such trusts are important sources of support for many types of charities.

In addition to widespread constituent support for our bill, the administration stated that the legislation is fully consistent with the purpose of the predeceased parent exclusion. Indeed, the provisions of this bill were raised during a hearing in the Subcommittee on Select Revenue Measures of the Ways and Means Committee. It was one of four proposals that the Treasury Department did not oppose and that Members seemed to receive favorably.

Moreover, the changes we propose have been recommended as worthwhile technical corrections by members of the real property, probate, and trust law section of the American Bar Association.

Mr. President, I urge my fellow Senators to support this bill. A companion bill, H.R. 4326, was introduced in the House of Representatives on May 3, 1994, by Congressman BREWSTER from Oklahoma with Congressmen HOUGHTON, GEPHARDT, SHAW, and KOPETSKI as well. We welcome other Senators as cosponsors of this bill. •

By Mr. STEVENS:

S. 2447. A bill to authorize a certificate of documentation for the vessel *Lady Hawk*; to the Committee on Commerce, Science, and Transportation.

"LADYHAWK" VESSEL DOCUMENTATION ACT OF 1994

• Mr. STEVENS. Mr. President, today I am introducing a bill to provide a certificate of documentation for the vessel *Lady Hawk*, U.S. Official No. 961095.

The *Lady Hawk* is owned by Ms. Joan Dunn of Seldovia, AK.

The vessel was built in Little Falls, MN, in 1989.

The first owners of the vessel—a married couple—were thought to be U.S. citizens, and a certificate of documentation for the *Lady Hawk* was issued in June 1990.

In November 1990, Ms. Joan Dunn purchased the *Lady Hawk* from the original owners, with the intent to eventually use it as a charter fishing vessel.

On November 11, 1993, Ms. Dunn received notice from the Coast Guard that one of a married couple who originally owned the vessel was, in fact, a Canadian citizen, and that the certificate of documentation for the *Lady Hawk* was therefore invalid.

The Coast Guard determined that Ms. Dunn was a bona fide purchaser in good faith, and informed her that it was pursuing penalty action against the former owner, but that the certificate of documentation for the *Lady Hawk* was nevertheless invalid.

The bill I am introducing today would grant a Jones Act waiver to Ms. Dunn for the vessel *Lady Hawk*. Ms. Dunn, through no fault of her own, cannot use this vessel for fishing charters or other coastwise trade without this waiver. •

By Mr. SHELBY (for himself, Mr. HEFLIN and Mr. CRAIG):

S. 2448. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of U.S. citizens and permanent resident aliens; to the Committee on the Judiciary.

IMMIGRATION MORATORIUM ACT OF 1994

• Mr. SHELBY. Mr. President, the United States has long been known as a nation of immigrants. It is said that much of our country's greatness—its strength, historically—is due to the unique, diverse, and rich mix of its social makeup. I couldn't agree more with this characterization. And I couldn't agree more about the important impact immigration holds for the future welfare of our country.

But, Mr. President, the time has come for us to separate our nostalgia for immigration from today's harsher realities. Today, our national interest and the quality of life of many U.S. citizens is being undermined by excessive immigration.

While immigration has helped in the past, times and circumstances have changed. Unless we significantly reduce today's excessive levels of immigration we will continue to increase the temperature on this country's already highly pressurized social and economic condition.

Mr. President, for a country—for a nation of immigrants—that has absorbed wave after wave of immigrants throughout its history, you would think that we would have a carefully crafted policy on immigration that serves our national interests. In fact, however, we do not.

Instead, we have a hodgepodge of annual limits for legal immigration and no effective way of controlling a tide of illegal entrants every year. Indeed, our inability to formulate a comprehensive and effective policy to deal with illegal immigration only highlights the absolute failure of our policy on legal admissions.

Mr. President, our immigration problems are not limited to simply controlling our borders against illegal aliens. It is much broader than that. Most people are shocked to learn that illegal immigration is far less than the amount of legal immigrants we admit to this country.

We're concerned about approximately 300,000 people who emigrate here illegally when—at the same time—we are voluntarily admitting close to 1 million every year.

Mr. President, immigration levels, legal and illegal, are out of control and exceed historical numbers. We admit more legal immigrants today than we did during the Great Wave from 1880 to 1924. Moreover, our legal limits are more like targets than actually restrictions. What good are legal limits that are easily waived, paroled, or amnestied and an immigration policy so easily held hostage to foreign de-

mands to increase the amount of refugees allowed to enter the United States legally?

What do the numbers matter, if every time we are faced with a refugee crisis, like Haiti and Cuba, we end up raising or disregarding the limits by adopting questionable administrative interpretations of existing laws or paroling those who are not entitled to enter legally under our current scheme. Mr. President, the refugee threat is a real one because the United States is already accepting more immigrants than it can absorb each year.

The United States cannot continue at current immigration levels without compromising the quality of life of every American citizen. Lower wages, excessive demands on social, medical, and welfare services are all products of a failed immigration policy.

States and local governments can barely keep up with the Federal Government's promise of a better life for the million or so immigrants that flock here each year. Already States are bringing suit against the Federal Government seeking reimbursement for billions of dollars in immigration-related costs.

Mr. President, the demands of our society are growing far apace of our ability as a government and an economy to satisfy them. Promising better health care and more responsive welfare programs are high on the administration's agenda of needed changes.

But, Mr. President, we must change our immigration policy if we are to effectively deal with these greater issues. Reforming health care and welfare includes creating entirely new entitlement programs and yet we cannot control how many people may be entitled to programs like AFDC or Medicaid or proposed health insurance subsidies because we can't control our borders.

How can we accurately gage the cost of these programs and the value and success of reforming if we cannot control how many people may be entitled to the benefits that they promise?

A comprehensive solution to our immigration policy problems is certainly what we need. Senators REID and SIMPSON have introduced bills designed to help establish such a framework for reform. I support their efforts and hope to work with them in achieving such necessary change.

In the interim, however, we must act. We must answer the demands being placed on our system today. Mr. President, we can do this by lowering how many people we allow into this country legally. We can do this by establishing a 5-year moratorium on what we definitely can control—legal admissions.

While providing only a temporary response to a long-term problem, a 5-year moratorium would nonetheless allow existing immigrants to assimilate and provide Congress sufficient time to address more comprehensive reform.

Under my moratorium bill, spouses and minor children of U.S. citizens would continue to be allowed without limit. In recent years, this amount has remained at about 175,000 per year. This would leave about 150,000 annual admission slots under the moratorium's 325,000 immigrant cap.

These would go to refugees—50,000, highly skilled and priority workers—50,000, and to other relatives of U.S. citizens and permanent resident aliens on current admissions lists—50,000.

Mr. President, I believe this is a responsible and effective way to deal with a problem that overwhelms us more every day. It is important to every American and every person who would like to be an American some day to maintain a healthy and prosperous economy and a diverse, but harmonious society.

The reality of the situation is this: A lifeboat can only hold so many people before it too becomes a sinking ship. Mr. President, I submit our lifeboat—the U.S. lifeboat—is taking on water.

A moratorium will ease that circumstance and allow us as a nation to continue to provide the kind of safe haven that has encouraged individuals in the thousands to take to rafts to reach our shores.

Mr. President, similar proposals have already been introduced in the House of Representatives and are supported by close to 100 Members. I would encourage my colleagues to give this proposal similar support and consideration. •

By Mr. FEINGOLD:

S. 2449. A bill to modify the estate recovery provisions of the Medicaid Program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

MEDICAID PROGRAM ESTATE RECOVERY MODIFICATION ACT OF 1994

• Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation today to eliminate the current mandate on states to place liens on the homes and estates of older Medicaid beneficiaries receiving home and community long-term care services, and to provide more than adequate funding for that change by establishing a certificate of need process to regulate the growth of federally funded nursing home beds.

Altogether, according to the Congressional Budget Office, the measure should generate \$365 million in savings over the next 5 years.

As part of last year's Omnibus Budget Reconciliation Act of 1993 [OBRA 93], language was included relating to States recovering Medicaid payments from the estates of beneficiaries, for certain services to people over age 55. The Health Care Finance Administration has interpreted OBRA 93 to mandate the recovery of, among other

things, home and community based long-term care services and related hospital and prescription drug services. Unless changed, States will have no alternative but to implement the mandate.

In the past, States have had the option of recovering payments for those services from the estates of beneficiaries, but in some cases, at least, have chosen not to do so.

Mr. President, in Wisconsin, estate recovery for home and community-based long-term care services was implemented briefly in 1991, but was terminated because of the outcry of caseworkers and consumers. In fact the Coalition of Wisconsin Aging Groups documented cases of consumers refusing community-based care because of their fear of estate recovery or the placement of a lien on their homes.

As the coalition has pointed out, the resulting lack of long-term care could have led to earlier and more costly need for institutional care. The State opted to implement estate recovery only on nursing home care and related services, where, as a practical matter, the potential for estate recovery and liens on homes are much less of a barrier to services.

Indeed, just as we should provide financial incentives to individuals to use more cost-effective care, so too should we consider financial disincentives for more costly alternatives. A recent study in Wisconsin showed that two Medicaid waiver programs saved \$17.6 million in 1992 by providing home and community-based alternatives to institutional care. In that context, including the more expensive institutional care alternatives in the estate recovery mandate makes good sense, and my legislation would not change that portion of the law.

Mr. President, the proposed estate recovery for home and community care stemming from OBRA 93 is particularly troubling with the prospect of a home and community-based long-term care program outside of Medicaid—one which will not require liens and other disincentives to care. The Clinton plan, or any plan like it, can provide similar home and community services, possibly even more flexible and consumer oriented services, than the Medicaid alternatives without the need to sign one's house away. If the estate recovery language of OBRA 93 is not clarified, we could have a dual system of home and community care, one providing services without a lien on one's property, the other imposing them. In fact, because Medicaid is targeted at those with lowest income and assets, it will be the disabled poor who will have liens on their homes, while those who are better off, and under the new benefit, will not be so restricted.

The prospect of estate recovery requirements is not a happy one for program administrators either. States,

counties, and nonprofit agencies, administrators of Medicaid services, are ill-equipped to be real estate agents. And there were no provisions included in OBRA 93 to provide the additional funding necessary to administer such a program.

Divestment concerns, already a problem, will continue to grow as pressure to utilize existing loopholes increases. Worse, as the coalition has pointed out, children who feel "entitled to inheritance" might force transfers, constituting elder abuse in some cases.

Finally, Mr. President, there is a very real question of age discrimination with the estate recovery provisions of OBRA 93. Only individuals over age 55 are subject to estate recovery. Such age-based distinctions border on age discrimination and ought to be minimized.

All in all, the estate recovery provisions of OBRA 93, as interpreted by HCFA, will generate little additional revenue, is likely to produce more expensive utilization of Medicaid services, will cause an administrative nightmare for State and local government, will aggravate the divestment problem, may result in increased elder abuse, and could well be age discrimination.

The proposed legislation modifies the estate recovery provisions of OBRA 93 to clarify that States may pursue recovery of the cost of Medicaid home and community-based long-term care services from the estates of beneficiaries, but that States are not required to do so.

Though many long-term care experts maintain that mandating estates recovery for home and community-based long-term care services will only lead to increased utilization of more expensive institutional alternatives, and thus increased cost to Federal taxpayers, my proposal has been officially scored as a revenue loss of \$20 million in the first year and \$260 million over 5 years.

Given the continuing need to lower our Federal budget deficit, I feel strongly that we should fully fund any proposed major expenditure, and to that end, I have included language which will produce more than enough savings to offset the change to the Medicaid estate recovery provisions.

That provision regulates the growth in the number of nursing home beds eligible for Federal funding through Medicaid, Medicare, or other Federal programs by requiring providers to obtain a certificate of need [CON] to operate additional beds. For any specified area, States would issue a CON only if the ratio of the number of nursing home beds to the population that is likely to need them falls below guidelines set by the State and subject to Federal approval.

This approach allows new nursing home beds to operate where there is a

demonstrated need, while limiting the potential burden on the taxpayer where no such need has been established.

Slowing the growth of nursing home beds is critical to reforming the current long-term care system. In Wisconsin, limiting nursing home bed growth has been central to the success of the long-term care reforms initiated in the early 1980's. While the rest of the country experienced a 24 percent increase in Medicaid nursing home bed use during the 1980's, Wisconsin saw Medicaid nursing home bed use decline by 19 percent.

The certificate of need provision is far more modest than the absolute cap on nursing home beds adopted in Wisconsin, and recognizes that there needs to be some flexibility to recognize the differences of long-term care services among States. It is also consistent with the kind of long-term care reform proposed by President Clinton and others.

Certainly, our ability to reform long-term care will depend not only on establishing a consumer-oriented, consumer-driven home and community-based benefit that is available to the severely disabled of all ages, but also on establishing a more balanced and cost-effective allocation of public support of long-term-care services by eliminating the current bias toward institutional care.

An analysis by the Congressional Budget Office estimated the lost revenue from eliminating the State mandate on home- and community-based services at \$20 million in the first year, and \$260 million over 5 years. However, in their spending and revenue options document for 1994, CBO estimates that the proposed regulation of nursing home bed growth would generate savings of \$35 million in the first year, and \$625 million over 5 years. The combined effect of this proposal, then, would be to generate about \$15 million in savings in the first year, and \$365 million over 5 years.

Mr. President, taken together, the change in the estate recovery provisions and the slowing of nursing home bed growth, these two provisions will help shift the current distorted Federal long-term-care policy away from the institutional bias that currently exists and toward a more balanced approach that emphasizes home- and community-based services.

This is the direction that we will need to take if we are to achieve significant long-term-care reform.

Mr. President, I ask unanimous consent that the text of the legislation as well as a letter from the Coalition of Wisconsin Aging Groups be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAID ESTATE RECOVERIES.

Section 1917(b)(1)(B) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)) is amended by striking "consisting of—" and all that follows and inserting the following: "consisting of—

"(i) nursing facility services and related hospital and prescription drug services; and
 "(ii) at the option of the State, any additional items or services under the State plan."

SEC. 2. REQUIRING STATES TO REGULATE GROWTH IN THE NUMBER OF NURSING FACILITY BEDS.

(a) **IN GENERAL.**—A nursing facility shall not receive reimbursement under the medicare program under title XVIII of the Social Security Act, the medicaid program under title XIX of such Act, or any other Federal program for services furnished with respect to any beds first operated by such facility on or after the date of the enactment of this Act unless a certificate of need is issued by the State with respect to such beds.

(b) **ISSUANCE OF CERTIFICATE.**—A certificate of need may be issued by a State with respect to a geographic area only if the ratio of the number of nursing facility beds in such area to the total population in such area that is likely to need such beds is below the ratio included in guidelines that are established by the State and approved by the Secretary under subsection (c).

(c) **APPROVAL OF GUIDELINES.**—The Secretary shall promulgate regulations under which States may submit proposed guidelines for the issuance of certificates of need under subsection (b) for review and approval.

COALITION OF WISCONSIN AGING GROUPS,
 Madison, WI, September 20, 1994.
 Hon. RUSSELL FEINGOLD,
 U.S. Senate,
 Washington, DC.

DEAR SENATOR FEINGOLD: I am writing to indicate our strong support for your bill to permit, rather than mandate, states to implement estate recovery programs for Medicaid services other than nursing facility services and related hospital and prescription drug services.

As you know we are extremely concerned about the federal law which will require Wisconsin to implement estate recovery for home- and community-based long-term care services in April, 1995. Our concern is based on real experience not abstract thinking. Wisconsin implemented estate recovery for home- and community-based services and it was a disaster. We documented numerous cases of people refusing needed services because they did not want the state to take a lien on their homes. Refusing needed community services is likely to hasten the need for more expensive nursing home care which will be paid for by state and federal funds under the Medicaid program.

As a matter of public policy we should be encouraging the use of less expensive, more desirable home- and community-based care and discouraging the use of more expensive institutional care. Your bill does that by requiring estate recovery for institutional care and requiring states to regulate the number of nursing home beds through a state-administered certificate of need process. I believe your bill will encourage more states to do what Wisconsin, Oregon and Washington have done; i.e., reduce nursing home utilization through a policy of controlling institutional growth and expanding the use of home- and community-based services. These states have been very successful according to an August, 1994 GAO report entitled "Medic-

aid Long-Term Care—Successful State Efforts to Expand Home Services While Limiting Costs."

Our organization has never opposed Medicaid estate recovery for nursing home services because we believe it does not create a disincentive (i.e., people already have a strong desire to avoid institutionalization), and we understand that public funds alone cannot meet the large and increasing costs of nursing facilities. But requiring estate recovery for home- and community-based services may have the unintended consequence of being more expensive as the growing elderly population receives long-term care services in nursing homes instead of their own homes.

States have been very effective and creative in providing home- and community-based services as an alternative to institutional care. Your bill will allow states the flexibility of continuing to be creative in meeting the long-term care needs of their elderly populations by requiring estate recovery for institutional care, but giving states the option of implementing estate recovery for other Medicaid services. Some states are likely to pursue estate recovery for other services but, based on our experience in Wisconsin, the Governor and the legislature repealed estate recovery for community-based services as soon as they saw the negative impact. Your bill will allow states the flexibility to make changes when the circumstances indicate a need for change rather than being required to implement a policy even when it is clearly not in the best interest of the state or its citizens.

We appreciate your efforts to change a law which could have the opposite effect than the one intended.

Sincerely,

THOMAS L. FRAZIER,
 Executive Director.●

By Mr. BIDEN (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 220. A joint resolution to designate October 19, 1994, as "National Mammography Day"; to the Committee on the Judiciary.

NATIONAL MAMMOGRAPHY DAY

Mr. BIDEN. Mr. President, I rise today to introduce a joint resolution designating October 19, 1994 as "National Mammography Day."

Last year, I was pleased to sponsor similar legislation that designated October 19, 1993, as a special day to encourage women to get mammograms as part of the early detection process in the fight against breast cancer. That measure received positive support among cancer and women's groups from around the country, and was successful in focusing attention on the value of mammography.

According to the American Cancer Society, national figures on breast cancer indicate that, in 1994 alone, 182,000 women will be diagnosed with breast cancer. Forty-six thousand women will succumb to this disease.

My home State of Delaware still ranks among the worst in breast cancer mortality, with an estimated 600 new breast cancer cases and 150 breast cancer deaths in 1994.

While many areas of breast cancer remain unknown, significant progress has been made to help unlock the mysteries of the disease. Research funding has been greatly increased, along with heightened awareness and education.

For example, last year in my own State of Delaware, a working group—comprised of my wife Jill, Lieutenant Governor Ruth Ann Minner, County Councilwoman Karen Venezky, and a number of breast cancer survivors, business and community leaders, and health professionals—was established to educate and raise consciousness about the importance of early detection throughout the State. Subsequently, this group has created a health awareness program that has focused on educating young women about breast cancer and mammography. I applaud this group and others, in Delaware and across the Nation, who have united for the fight against breast cancer.

Although a cure for breast cancer may be some time away, early detection and treatment are crucial to ensure survival. Studies have shown and experts agree, that mammography is one of the best methods to detect breast cancer in its early stages. Mammograms can reveal the presence of small cancers up to 2 years before regular clinical breast examinations or breast self-examinations [BSE], saving as many as a third more lives of those diagnosed with the disease.

Mammograms are especially important to older women, with 50 percent of the breast cancer cases occurring in women over age 65. In addition, no woman can be considered immune from the disease; in fact, 80 percent of the women who get breast cancer have no family history of the disease.

Finally, when conducted by professionals, mammograms are a relatively quick and safe procedure, and numerous efforts have been made to make mammograms more accessible and affordable. For instance, groups such as Mammography of Delaware have been

operating mobile diagnostic centers, with the cost of the mammogram determined by the woman's ability to pay. In addition, many of the health care reform proposals before Congress include mammograms as part of the standard benefit package.

Mr. President, the resolution I am introducing today is the result of the hard work of a number of organizations. It sets aside one day in the midst of National Breast Cancer Awareness Month—which was passed by the Senate earlier this year—to encourage women to receive or sign up for a mammogram, as well as to bring about greater awareness and understanding of one of the key components in fighting this disease.

The organizations promoting National Mammography Day include: the American Cancer Society, the American Academy of Family Physicians, the American College of Radiology, the American Medical Women's Association, the American Society of Clinical Oncology, Cancer Care Inc., Cancer Research Foundation of America, the Centers for Disease Control and Prevention, the National Alliance of Breast Cancer Organizations, the National Cancer Institute, National Medical Association, Oncology Nursing Society, the Susan G. Komen Foundation, the American College of Obstetricians and Gynecologists, Y-ME, and the Zeneca Pharmaceuticals Group.

Once again, I am pleased to sponsor this resolution, and ask unanimous consent that the full text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 220

Whereas according to the American Cancer Society, 182,000 women will be diagnosed with breast cancer in 1994, and 46,000 women will die from this disease; and

Whereas in the decade of the 1990's, it is estimated that about two million women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths; and

Whereas the risk of breast cancer increases with age, with 50 percent of the breast cancer cases occurring in women over age 65; and

Whereas 80 percent of women who get breast cancer have no family history of the disease; and

Whereas mammograms, when operated professionally at an accredited facility, can provide a safe and quick diagnosis; and

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas mammograms can reveal the presence of small cancers up to two years before regular clinical breast examinations or breast self-examinations (BSE), saving as many as a third more lives; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That October 19, 1994, be designated as "National Mammography Day," and the President is authorized and re-

quested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 526

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 526, a bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills.

S. 689

At the request of Mr. BRADLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 689, a bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes.

S. 1225

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 1225, a bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 1889

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 2071

At the request of Mr. LIEBERMAN, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Montana [Mr. BAUCUS], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 2071, a bill to provide for the application of certain employment protection and information laws to the Congress, and for other purposes.

S. 2300

At the request of Mr. PRESSLER, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2300, a bill to prohibit all U.S. military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law.

S. 2347

At the request of Mr. SASSER, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Louisiana [Mr. BREAU] were added as cosponsors of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2411

At the request of Mr. DOLE, the names of the Senator from Delaware

[Mr. ROTH] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2411, a bill to amend title 10, U.S. Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2427

At the request of Mr. HEFLIN, the names of the Senator from Washington [Mr. GORTON], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2427, a bill to require the Secretary of Agriculture to offer to enter into an agreement with the National Academy of Sciences to coordinate the development of recommendations to carry out an improved inspection program for meat and poultry products, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Virginia [Mr. ROBB] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 219

At the request of Mr. LEAHY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 219, a joint resolution to commend the U.S. rice industry, and for other purposes.

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Maryland [Mr. SARBANES], the Senator from Idaho [Mr. CRAIG], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. GLENN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Missouri [Mr. DANFORTH], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Hawaii [Mr. AKAKA], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE RESOLUTION 257

At the request of Mrs. KASSEBAUM, the names of the Senator from Kansas [Mr. DOLE], the Senator from Georgia [Mr. NUNN], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Resolution 257, a resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air

and Space Museum's exhibit on the *Enola Gay*.

SENATE RESOLUTION 259

At the request of Mr. GRAHAM, his name was added as a cosponsor of Senate Resolution 259, a resolution commending the President and the special delegation to Haiti, and supporting the U.S. Armed Forces in Haiti.

SENATE RESOLUTION 261

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 261, a resolution commending Ambassador Mou-shih Ding, representative of the Taipei Economic and Cultural Representative Office in Washington, DC.

SENATE RESOLUTION 263—TO EXPRESS THE SENSE OF THE SENATE CONDEMNING THE CRUEL AND TORTUOUS PRACTICE OF FEMALE GENITAL MUTILATION

Mr. REID submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 263

Whereas the Senate recognizes the importance of traditions and ritual rites of passage in the cultures of all nations;

Whereas such traditions and rites should not impede or violate the human rights of any person;

Whereas the practice of female genital mutilation of girls and young women under the age of 18 represents an act of cruelty and a basic violation of a person's human rights;

Whereas the aftereffects of female genital mutilation include shock, infection, psychological scarring, hemorrhaging, and death;

Whereas the practice of female genital mutilation represents a threat to the health of girls and young women who undergo the procedure; and

Whereas the government of Egypt should be commended for the recent arrest and detention of 2 men who performed circumcision on a 10-year old girl while she was bound and arranged for the filming of the tortuous procedure for the Cable News Network: Now therefore, be it

Resolved, That it is the sense of the Senate that the practice of female genital mutilation of girls and young women under the age of 18 by any nation or individual is condemned, and that the government of Egypt and that all other governments that aggressively and appropriately decry, prevent, and deter this practice through education and other means be, and they hereby are, commended by the United States Senate.

Mr. REID. Mr. President, I received a phone call last week from a long-time friend who lives in Las Vegas, NV, and we were talking about a number of different things. She has been involved politically in southern Nevada for many years. And she mentioned to me had I watched a certain program dealing with female genital mutilation, and I said no, I had not watched it.

Well, Mr. President, as a result of her pointing out this program to me—I listened to her describe what she watched on television and I became almost sick to my stomach by listening to her de-

scribe what she watched on television. Coincidentally, the next day there was an account of this in a local Washington newspaper. Then I saw, a day or two later, an article reporting the arrest of two men in Egypt who arranged for the filming of this harrowing ritual procedure of female genital mutilation which was being performed on a bound, that is, tied up, 10-year-old girl. Words, Mr. President, cannot describe the feelings that one has in reading about or watching this procedure.

As a result of reading what I did and listening to my friend Sandra Jolley, I became aware of the fact that I should know more about this. Since then, in the past week, I have read a lot and had my staff do research about this practice.

Mr. President, I want everyone within the sound of my voice to understand that what I am going to talk about here today does not deal with religion and it does not deal with sex. It deals with violation of a person's human rights. It deals with degradation of women and young girls. It deals with the most inhumane thing a person can imagine.

I have, in studying and researching this, become aware of the significance this ritual plays in the culture and social system in communities in Africa, Asia and the Middle East that practice female genital mutilation. At the same time, I cannot ignore the cruel and tortuous nature of this procedure, which is generally performed on very young girls who often are not aware of what is about to happen to them.

Mr. President, I am not making statements that I just dreamed up. Alice Walker, who became famous for writing "The Color Purple," also wrote an article for Ms. magazine entitled "A Legacy of Betrayal," which tells the story of a 4-year-old girl in Gambia who is held down by several women, her eyes taped shut while this "rite of passage," this mutilation is performed on this little baby girl. Alice Walker said,

I thought of the woman grabbing her and of little Mary, her eyes taped shut, not even knowing what or who was grabbing her or what was sought. I finally started to weep, looking at those small feet.

Mr. President, what went on on cable news a little over a week ago involved a 10-year-old girl, who came in—it was all filmed on television—wearing a party dress. It was a festive occasion, this little girl thought. Her family was there. Other people were there. This little 10-year-old girl was held down by two men and her legs spread apart and "the cut," as they call it, took place. This little girl screamed in pain. And as my friend from Las Vegas described, it reminded her of the birth that she had given to her children, because many times after a woman gives birth she begins shaking, after the pain is over, the most intense pain. That is

what happened to this little girl, as she sobbed out, "Daddy, why did you do this to me?"

Mr. President, it is estimated that over 80 million young girls have been mutilated in this ritual. Excision and infibulation are the most common practices. What is infibulation? It is practiced in many countries and entails the excision of all the female genitalia. The remaining tissue is stitched together, leaving only a small opening for urine and menstrual fluid. Female genital mutilation has no medical justification for being performed on otherwise healthy young girls and women and is usually performed with crude, unsterile instruments without anesthetic. The aftereffects of this include shock, to say the least, infection, emotional trauma, hemorrhaging, debilitating scarring, infertility and death.

Mr. President, although I believe this practice is a torturous act when performed on any woman, I am most concerned about it being performed on children and tiny young girls under the age of 18, an age at which a person cannot give consent. A child does not have the ability to consent to or even understand the significance and the consequence of this ritual and the consequence it will have on her life, on her health, or on her dignity.

An April 1992 report by the Minority Rights Group called "Female Genital Mutilation: Proposals for Change," describes the reality and effect of this procedure on children. The report states:

The descriptions available of the reactions of children — panic and shock from extreme pain, biting through their tongues, convulsions, necessity for six adults to hold down an 8-year-old, and death—indicate a practice comparable to torture.

Mr. President, the societal pressures for this ritual are great, and I acknowledge that. But, in some of these countries even the protestations of a young girl's parents or relatives is not enough many times to stop the act. The Minority Rights Group report contains the testament of a young girl from Egypt on her experience:

Once I learned I was going to be circumcised [as she called it], I was filled with fear and ran as fast as my legs could carry me. Soon the assistant of the operator caught up with me. However, once my aunt saw how pale and frightened I looked, she wanted to put off the operation. The operator categorically refused and retorted: "Do you want to change your mind after all this effort? Whether you have it done now or put it off to another time, the little girl will experience the same fear. Let us finish with it now." The assistant caught hold of me, stretched my legs apart and the operator sterilized the area with oven ashes and alcohol, and cut off the pieces with a razor.

Mr. President, many nations have made efforts to deter the practice of female genital mutilation with legislation against its execution, as well as creating educational programs for

women, and I think that is good. Unfortunately, despite some of these initiatives, a blind eye is most often turned to the continuation of ritual female genital mutilation. One example is that of the country of Sudan. Sudan has the longest record of efforts to combat the practice of female genital mutilation and has legislated against the procedure.

Yet, according to the 1992 Minority Rights Group report, 80 percent of Sudanese women continue to be infibulated. Nevertheless, it is stated in this sense-of-the-Senate resolution, which I am going to submit today—and I hope that this Senate will send out a resounding approval of this resolution prior to our adjourning this year—that it is important that any effort by any nation, like the recent arrests by the Government of Egypt, to curb female genital mutilation be recognized and commended. In effect, what my resolution does is condemn the practice, and commend countries like Egypt for trying to do something to stop it.

The most successful endeavors to prevent this practice have been at the grassroots level by women, many of whom have undergone this excruciating operation, unnecessary operation, with support from the World Health Organization, UNICEF, and other international human rights groups. But I say respectfully to these groups and others that they have not done nearly enough.

African and Arab women have begun to speak out and we must do what we can to support their efforts because they are voices crying in the wilderness. They are working under difficult circumstances and in often hostile social environments for the preservation of a woman's health, dignity, and human rights. We must work to support and encourage their efforts to end this violent degradation of female children throughout the world and we can begin with the adoption of the sense-of-the-Senate resolution.

African and Middle Eastern countries are not the only ones faced with the difficult responsibility of bringing an end to this practice. As immigrants from these countries have traveled to other nations, this practice has traveled with them. And it has traveled to the United States, Mr. President.

I am introducing today a sense-of-the-Senate resolution. I am going to introduce legislation in the immediate future with my colleague, Senator CAROL MOSELEY-BRAUN, legislation that has companion legislation in the House to make it a crime to do this in the United States. That is I think the least we can do.

The United Kingdom, Sweden, and Switzerland have all passed legislation prohibiting this practice in their countries. France and Canada maintain that this practice violates already established statutes prohibiting body

mutilation and have taken action against its practice. The United States, I repeat, is also faced with the responsibility of abolishing this practice within its borders.

I will be introducing with Senator MOSELEY-BRAUN, as I have indicated, legislation next week to outlaw this practice and to establish educational programs for our Nation's immigrant communities, that they no longer will have this done to them and that there are certain rights they have.

Mr. President, I do not like to come to the Senate floor and talk about something that is as personal as this. It is difficult to talk about. But ignoring this issue because of the discomfort it causes any of us does nothing but perpetuate the silent acquiescence of its practice. The women of Africa and the Middle East and the world are standing up. But they need help against tremendous pressure and defiance to fight for the health, and dignity of their sisters, friends, mothers, and daughters. The least we can do is to support and encourage their struggle, to continue to talk about female genital mutilation, and to condemn its practice and its perpetuation.

Education will be our most important and effective tool against this practice. I intend to do my part to educate my colleagues, constituents, and friends to the horrors of this ritual practice.

Awa Thiam, a Senegalese woman, is quoted from her book, "La Parole aux Negresses," in the Minority Rights Group report:

If one just casts an eye over the history of the condition of women—marked by struggles, it has continued to evolve, * * * it's a question not of a sprint but of a marathon. So women should prepare with this in mind, in order to succeed.

The abolition of FGM is just another mile in the marathon of international equality for women. I am prepared to continue to talk about FGM, and talk about it, and talk about it, and join women across the globe in reaching for the finish line in the race of equality.

Mr. President, there is a lot of information on this subject. There has been a lot written about it. I am surprised at how much has been written about it. My colleagues should know that it is not an issue that has been ignored. It is an issue that no one will touch because people are afraid because it may deal with the subject we do not like to talk about much, and that is sex, and another subject we do not like to talk about much, and that is religion. I repeat this has nothing to do with sex or religion. It has everything to do with human dignity and women's health. And, therefore, I send my resolution to the desk.

I yield the floor.

SENATE RESOLUTION 264—RELATIVE TO INDIAN INSTITUTIONS OF HIGHER EDUCATION

Mr. MCCAIN (for himself, Mr. INOUE, Mr. CAMPBELL, Mr. BAUCUS, Mr. BINGAMAN, Mr. DASCHLE, Mr. DECONCINI, Mr. DOMENICI, Mr. DORGAN, Mr. FEINGOLD, Mr. GORTON, Mrs. KASSEBAUM, Mr. KOHL, Mr. LEVIN, Mr. PRESSLER, Mr. RIEGLE, Mr. SIMON, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 264

Whereas the Federal Government has a special trust relationship and a fiduciary duty to Indians;

Whereas the progressive development of policies of the Federal Government with respect to the education of Indians has provided for the establishment, control, and administration by Indian tribes of institutions of higher education and other educational institutions on or near Indian reservations;

Whereas Indian institutions of higher education were established pursuant to the Navajo Community College Act (25 U.S.C. 640a et seq.), the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.), the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397 et seq.), part A of title XIV of the Higher Education Act Amendments of 1986 (20 U.S.C. 4411 et seq.) and the Act of November 2, 1921 (popularly referred to as the "Snyder Act") (42 Stat. 208, chapter 115; 25 U.S.C. 13) to provide post-secondary educational opportunities to Indian students for whom such opportunities may not otherwise exist;

Whereas as of the date of adoption of this resolution, Indian institutions of higher education have a combined enrollment of more than 16,000 students and serve more than 300 Indian tribes nationwide;

Whereas such institutions are located in 13 States, including Arizona, California, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Washington, and Wisconsin;

Whereas Indian institutions of higher education promote tribal sovereignty and self-determination and individual academic achievement;

Whereas despite the overall improvement of educational opportunities of Indians within the 20-year period preceding the date of adoption of this resolution, Indian institutions of higher education remain severely underfunded and Indians continue to experience the lowest overall attendance rate at institutions of higher education in the United States;

Whereas the lack of Federal assistance for promoting the national Education Goals contained in the Goals 2000: Educate America Act for Indians and the lack of awareness of the successful contributions of tribal colleges to tribal communities and tribal members has frustrated the efforts of Indian institutions of higher education to secure continuing and sufficient funding, staff, and educational resources that are vital to successful academic institutions; and

Whereas on November 1, 1993, the President issued Executive Order No. 12876, establishing a Presidential Advisory Committee on Historically Black Colleges and Universities and on February 22, 1994, the President issued Executive Order No. 12900 establishing an Advisory Commission on Educational Excellence for Hispanic Americans to advance the National Education Goals contained in

the Goals 2000: Educate America Act and increase opportunities for underserved African-Americans and Hispanic-Americans to participate in the benefits of Federal education programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals contained in the Goals 2000: Educate America Act for Indians.

Mr. MCCAIN. Mr. President, I rise to submit a resolution to express the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education. I am pleased that Senators INOUE, CAMPBELL, BAUCUS, BINGAMAN, DASCHLE, DECONCINI, DOMENICI, DORGAN, FEINGOLD, GORTON, KASSEBAUM, KOHL, LEVIN, PRESSLER, RIEGLE, SIMON, and WELLSTONE have joined me in introducing this resolution.

Mr. President, my colleagues and I believe that Federal support for Indian institutions of higher education is vital to the continuing success of tribally controlled community colleges, vocational programs, post-secondary institutions, and the individuals they serve. Unfortunately, although Indian educational institutions are experiencing an overall rise in college attendance rates, they have not experienced the benefits of Federal resources and programs to the extent of other underserved populations. It is my hope that an Executive order, similar to those issued for historically black colleges and universities and educational excellence for Hispanic-Americans, will correct this oversight.

In keeping with the Federal Government's trust responsibility and fiduciary duty to Indian tribes, an Executive order would serve to advance the Federal policy on Indian education. One of the earliest examples of this policy is the establishment in 1884 of the Haskell Indian School located in Lawrence, KS. Originally, Haskell enrolled Indian children in grades one through five and emphasized agricultural development. Today, Haskell Indian Nations University has evolved into an institution with a much broader curriculum. The proposed Executive order would also promote tribal sovereignty and recognize the accomplishments of the existing tribal colleges established pursuant to the Navajo Community College Act of 1970 and the Tribally Controlled Community College Assistance Act of 1978. Each of the cosponsors of this resolution are keenly aware of the benefits which Indian institutions of higher education provide to residents of their States. Not only do these colleges enroll Indian students in post-secondary programs, they also provide the same opportunities for non-Indian students residing in rural areas. I strongly believe that these colleges provide an excellent ex-

ample of what Indian tribes are capable of accomplishing.

Mr. President, 4 years ago less than 10 percent of the reservation Indian students who went directly from high school graduation to a non-Indian 2-year or 4-year institution succeeded in obtaining a degree. Since only about 10 percent of the high school graduates attempted to go to a non-Indian institution, the overall success rate for high school graduates was actually around 1 percent. Today, tribal colleges encourage Indian students who might otherwise be deterred from pursuing a college education to continue their education. They enroll over 16,000 Indian students and provide courses comparable to State community colleges and have established a successful track record of retention, matriculation, and ongoing educational and job placement. Although student enrollment continues to grow and the area of Indian education has generally improved in the last 20 years, Indian tribes continue to experience the lowest overall college attendance rate in the United States.

Clearly, Indians experience different obstacles as compared to African-American and Hispanic-American students which should be taken into consideration by the responsible Federal agencies. Among the greatest barriers to increased resources and program availability for tribal colleges is the lack of awareness within the Federal Government of their existence. Therefore, at the very least, an Executive order would bring to the attention of all Federal departments and agencies the fact that tribal colleges do exist and to require the inclusion of tribal colleges and vocational institutions in Federal policies and programs intended for institutions of higher education.

Mr. President, a similar resolution sponsored by Congressman JOE SKEEN and approximately 20 cosponsors is being considered in the House. Clearly Members of both Houses believe that promoting higher education for Indians is a matter of great importance for Indian tribes and the entire Nation. Twila Martin-Kekahbah, the former chairperson of the Turtle Mountain Chippewa Tribe summarized it best when she testified before the Committee on Indian Affairs during a hearing to reauthorize the Tribally Controlled Community College Act of 1978, when she stated, "Each of these successful students represent an individual insurance policy against unemployment and virtually assures that one more American Indian will become an effective and contributing citizen of the American democracy."

Mr. PRESSLER. Mr. President, I would like to express my support for a sense-of-the-Senate resolution introduced today by Senator MCCAIN. This resolution calls for an Executive order to aid tribal colleges. In effect, the

order would require Federal departments and agencies to make an effort to include tribal colleges in programs targeted at higher education institutions. Federal aid is vitally important to tribal colleges because they are located on Federal trust territory and receive little or no State funding.

This action is long overdue. Other minority colleges and universities, including historically black and Hispanic institutions, have had similar orders for many years. This resolution would provide a great boost to the 29 tribally controlled and American Indian colleges across the country. My home State of South Dakota has five tribal colleges that would benefit including: the Cheyenne River Community College, Oglala Lakota College, Sinte Gleska College, Sisseton Wahpeton Community College, and the Standing Rock Community College.

Some very disheartening statistics were released last week by the Census Bureau. South Dakota has three of the five poorest counties in the country. Shannon County is once again ranked the poorest in the country. Todd County is fourth on the list and Buffalo County is fifth. Sadly, all three of these counties have predominantly Indian populations.

Education can be a powerful weapon in fighting poverty. Two of the counties I just mentioned, Shannon and Todd Counties, have tribal colleges. It is my hope that with these resolution, our tribal colleges could effectively ward off the unemployment and poverty that has plagued these areas. I commend our colleague from Arizona, Senator MCCAIN, for his diligence on this issue. I am proud to add my name as an original cosponsor.

SENATE RESOLUTION 265—RELATING TO THE DISTRICT COUNCIL RESOLUTIONS IN HONG KONG

Mr. BROWN (for himself and Mr. DECONCINI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 265

Whereas the United States strongly supports the development of effective, functioning democratic institutions worldwide;

Whereas the government of Hong Kong successfully conducted its first District Board elections on September 18th;

Whereas voter registration for the September 18th district council elections in Hong Kong was higher than ever before;

Whereas the number of candidates running for District Board positions is higher than in any previous election in Hong Kong's history;

Whereas Hong Kong has recently taken bold strides to increase democracy and expand the rule of law;

Whereas the rule of law is essential to the effective functioning of a market economy;

Whereas Hong Kong currently is one of the world's leading market economies;

Whereas recent electoral reforms in Hong Kong are consistent with the Joint Declaration and the Basic Law for Hong Kong;

Whereas Hong Kong is an important friend and trading partner of the United States;

Whereas the people of the United States and Hong Kong have long maintained close, friendly ties;

Whereas the stability of Hong Kong and the continuance of its special status are of great importance to the United States;

Whereas to be effective, the rule of law must be firmly based upon the consent of those it governs;

Whereas one of the most effective methods to protect against corruption is to ensure a government that is accountable to those it governs.

Therefore, it is the sense of the Senate that—

(1) Free and fair elections are an essential component of a stable, democratic government in Hong Kong that is free from corruption;

(2) The people of Hong Kong should be congratulated for the recent success of the District Board elections and for the progress of democratic reforms that support the rule of law in Hong Kong;

(3) The United States should make every effort to support the progress of democratic reforms in Hong Kong and to encourage all parties to protect these gains as the 1997 transition approaches.

SENATE RESOLUTION 266—RELATIVE TO THE COMMITMENT OF U.S. FORCES IN FUTURE CONFLICT SITUATIONS

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 266

It is the sense of the Senate that in the commitment of U.S. forces in future conflict situations, the United States—

(a) Should not commit forces to combat unless the particular commitment or occasion is deemed vital to our national interest;

(b) Should, after determining the introduction of combat troops is an absolute necessity, commit troops wholeheartedly and with the clear intention of winning;

(c) Should have clearly defined political and military objectives and should know precisely how U.S. forces will accomplish these clearly defined objectives;

(d) Should continually reassess and readjust if necessary the relationship between U.S. objectives and the U.S. forces that have been committed, including the size, composition and disposition of those troops;

(e) Should commit no forces without the reasonable assurance that the American people and their elected representatives in Congress support the action;

(f) Should only commit U.S. forces to combat as a last resort.

SENATE RESOLUTION 267—RELATIVE TO UNITED STATES TROOPS IN HAITI

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 267

It is the sense of the Senate that U.S. troops should be withdrawn from Haiti not later than December 31, 1994.

AMENDMENTS SUBMITTED

DISTRICT OF COLUMBIA APPROPRIATIONS ACT OF 1995

GRAMM AMENDMENT NO. 2585

Mr. GRAMM proposed an amendment to the House amendment to the Senate amendment No. 3 to the bill (H.R. 4649) and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes making appropriations for the government of the District of Columbia; as follows:

At the end of the pending amendment insert the following:

TITLE —AMENDMENT OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

SEC. —01. REDUCTION OF ADDITIONAL FUNDING FOR THE MODEL INTENSIVE GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle C.

SEC. —02. REDUCTION OF ADDITIONAL FUNDING FOR THE LOCAL PARTNERSHIP GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle J.

SEC. —03. REDUCTION OF ADDITIONAL FUNDING FOR THE LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM, FAMILY AND COMMUNITY ENDEAVOR SCHOOLS PROGRAM, COMMUNITY-BASED JUSTICE GRANT PROGRAM, URBAN RECREATION PROGRAM, AT-RISK YOUTH PROGRAM, AND POLICE RECRUITMENT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking section 30402, section 30403(b)(2), and subtitles B, G, H, O, and Q.

SEC. —04. REDUCTION OF ADDITIONAL FUNDING FOR THE NATIONAL COMMUNITY ECONOMIC PARTNERSHIP PROGRAM, COMMUNITY SCHOOLS PROGRAM, OUNCE OF PREVENTION PROGRAM, FAMILY UNITY DEMONSTRATION PROJECT, GANG RESISTANCE EDUCATION AND TRAINING PROGRAM, AND DRUG COURTS PROGRAM.

The Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) in title III by striking section 30401, section 30403(b)(1), and subtitles A, D, K, S, and X; and

(2) by striking title V.

SEC. —05. ASSURED VIOLENT OFFENDER INCARCERATION AND PROVISION OF TRUTH IN SENTENCING INCENTIVE GRANT PROGRAM.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

"SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional prisons to ensure that prison cell space is available for the confinement of vio-

lent offenders and to implement truth in sentencing laws for sentencing violent offenders.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General that includes—

"(1) assurances that the State or States have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

"(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

"(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities to ensure that prison cell space is available for the confinement of violent offenders;

"(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on these units of government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

"(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

"(6) assurances that the State or States have implemented, or will implement within 18 months after the date of the enactment of this Act, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veteran's benefits to which they are entitled; and

"(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities.

"(c) CONSIDERATION.—The Attorney General, in making such grants, shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

"SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

"(a) TRUTH IN SENTENCING GRANT PROGRAM.—Forty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Truth in Sentencing Incentive Grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

"(1) has in effect laws which require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed; or

"(2) since 1993—

"(A) has increased the percentage of convicted violent offenders sentenced to prison;

"(B) has increased the average prison time which will be served in prison by convicted violent offenders sentenced to prison;

"(C) has increased the percentage of sentence which will be served in prison by violent offenders sentenced to prison; and

"(D) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed.

"(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—The amount available to carry out this section for any fiscal year under subsection (a) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

"(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Violent Offender Incarceration Grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

"(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—

"(1) FORMULA ALLOCATION.—Eighty-five percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) for that fiscal year shall be allocated as follows:

"(A) 0.25 percent shall be allocated to each eligible State except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

"(B) The amount remaining after application of subparagraph (A) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(2) DISCRETIONARY ALLOCATION.—Fifteen percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) shall be allocated at the discretion of the Attorney General to States that have demonstrated the greatest need for such grants and the ability to best utilize the funds to meet the objectives of the grant program and ensure that prison cell space is available for the confinement of violent offenders.

"SEC. 20104. MATCHING REQUIREMENT.

"The Federal share of a grant received under this subtitle may not exceed 75 percent of the costs of a proposal described in an application approved under this subtitle.

"SEC. 20105. RULES AND REGULATIONS.

"(a) The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle not later than 90 days after the date of enactment of this Act.

"(b) If data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for that State for the purposes of allocation of any funds under this subtitle.

"SEC. 20106. TECHNICAL ASSISTANCE AND TRAINING.

"The Attorney General may request that the Director of the National Institute of Cor-

rections and the Director of the Federal Bureau of Prisons provide technical assistance and training to a State or States that receive a grant under this subtitle to achieve the purposes of this subtitle.

"SEC. 20107. EVALUATION.

"The Attorney General may request the Director of the National Institute of Corrections to assist with an evaluation of programs established with funds under this subtitle.

"SEC. 20108. DEFINITIONS.

"In this subtitle—

" 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

" 'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"SEC. 20109. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle—

"(1) \$175,000,000 for fiscal year 1995;

"(2) \$750,000,000 for fiscal year 1996;

"(3) \$1,000,000,000 for fiscal year 1997;

"(4) \$1,900,000,000 for fiscal year 1998;

"(5) \$2,000,000,000 for fiscal year 1999; and

"(6) \$2,070,000,000 for fiscal year 2000."

SEC. 06. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.

Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein."

SEC. 07. MANDATORY MINIMUM PRISON SENTENCES FOR ADULTS WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) EMPLOYMENT OF PERSONS UNDER-18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or

more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."

SEC. 08. MANDATORY MINIMUM PRISON SENTENCES FOR ADULTS WHO SELL ILLEGAL DRUGS TO MINORS.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."

SEC. 09. DEPORTATION OF CRIMINAL ALIENS.

(a) EXPANSION OF DEFINITION OF AGGRAVATED FELONY.—

(1) EXPANSION OF DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

"(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

"(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded \$100,000;

"(E) an offense described in—

"(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or

(j) of that title (relating to explosive materials offenses);

"(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or

"(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

"(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

"(G) a theft offense (including receipt of stolen property) or budgetary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 33 months;

"(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

"(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations) for which a sentence of 5 years' imprisonment or more may be imposed;

"(K) an offense that—

"(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

"(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(L) an offense relating to perjury or subornation of perjury if the offense involved causing or threatening to cause physical injury to a person or damage to property;

"(M) an offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

"(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

"(N) an offense that—

"(i) involves fraud or deceit in which the loss to the victim or victims exceeds \$200,000; or

"(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds \$200,000;

"(O) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

"(P) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud) which constitutes trafficking in the documents described in such section;

"(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

"(R) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years."

(2) **EFFECTIVE DATE.**—The amendment made by this section shall apply to convictions entered on or after the date of enactment of this Act.

(b) **DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.**—

(1) **ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(f) **DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.**—

"(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216 or 216A) at the time that proceedings under this section commenced.

"(3) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.

"(4) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, unless waived by the alien, in order that the alien has an opportunity to apply for judicial review under section 106.

"(5) Pending a determination of deportability under this section, the Attorney General shall not release the alien. An order of deportation entered pursuant to this section shall be executed by the Attorney General in accordance with section 243. Proceedings before the Attorney General under this section shall be in accordance with such regulations as the Attorney General shall prescribe and shall include requirements that provide that—

"(A) the alien is given reasonable notice of the charges;

"(B) the alien has an opportunity to have assistance of counsel at no expense to the government and in a manner that does not unduly delay the proceedings;

"(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

"(D) the determination of deportability is supported by reasonable, substantial, and probative evidence; and

"(E) the final order of deportation is not adjudicated by the same person who issued such order."

(2) **LIMITED JUDICIAL REVIEW.**—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(A) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(B) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

(C) by adding at the end the following new subsection:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue."

(3) **TECHNICAL AMENDMENTS.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(A) in subsection (a)—

(i) by striking "(a) IN GENERAL.—" and inserting the following:

"(b) **DEPORTATION OF PERMANENT RESIDENT ALIENS.**—

"(1) **IN GENERAL.**—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(B) in subsection (b)—

(i) by striking "(b) **IMPLEMENTATION.**—" and inserting "(2) **IMPLEMENTATION.**—"; and

(ii) by striking "respect to an" and inserting "respect to a permanent resident";

(C) by striking subsection (c);

(D) in subsection (d)—

(i) by striking "(d) **EXPEDITED PROCEEDINGS.**—(1)" and inserting "(3) **EXPEDITED PROCEEDINGS.**—(A)";

(ii) by inserting "permanent resident" after "in the case of any"; and

(iii) by striking "(2)" and inserting "(B)";

(E) in subsection (e)—

(i) by striking "(e) **REVIEW.**—(1)" and inserting "(4) **REVIEW.**—(A)";

(ii) by striking the second sentence; and

(iii) by striking "(2)" and inserting "(B)";

(F) by redesignating subsection (f), as added by paragraph (1) of this subsection, as subsection (c);

(G) by inserting after the section heading the following new subsection:

"(a) **PRESUMPTION OF DEPORTABILITY.**—An alien convicted of an aggravated felony shall be deportable from the United States."; and

(H) by amending the section heading to read as follows:

"**EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES**".

(4) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

(c) **JUDICIAL DEPORTATION.**—

(1) **JUDICIAL DEPORTATION.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(d) **JUDICIAL DEPORTATION.**—

"(1) **AUTHORITY.**—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) **PROCEDURE.**—

"(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the Service, to the alien, and to the alien's counsel of record.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief

from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a)."

(2) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242A(d), the".

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to alter the privilege of being represented at no expense to the Government set forth in section 292 of the Immigration and Nationality Act.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

(d) RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.—

(1) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment

of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final. For purposes of this section, the term 'sentence' does not include a sentence the execution of which was suspended in its entirety."

(2) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(A) by striking the final sentence and inserting the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony;" and

(B) by striking "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

(e) ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.—

(1) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(A) by striking "paragraph (2), (3), or 4 of" the first time it appears; and

(B) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a)."

(2) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(A) in paragraph (1)—

(i) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(ii) by striking "5" and inserting "10";

(B) in paragraph (2), by striking "15" and inserting "20"; and

(C) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law."

(3) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding after subsection (b) the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair."

(f) CRIMINAL ALIEN TRACKING CENTER.—

(1) OPERATION.—The Attorney General shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking center.

(2) PURPOSE.—The criminal alien tracking center shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for fiscal

year 1995 and \$6,000,000 for each of fiscal years 1996, 1997, 1998, and 1999.

(g) MISCELLANEOUS AND TECHNICAL CHANGES.—

(1) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media, in the discretion of the special inquiry officer, or, where waived or agreed to by the parties, in the absence of the alien."

(2) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.—No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(3) AMENDMENT OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Sections 130001, 130002, and 130004 of the Violent Crime Control and Law Enforcement Act of 1994 and the amendments made by those sections are repealed effective as of the date of enactment of this Act.

SEC. 10. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) any criminal history points under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense);

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspirator involved possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

"(G) the defendant did not own the drugs, finance any part of the offense or sell the drugs; and

"(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan."

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other provision of law, any defendant who has been sentenced pursuant to section 3553(f) who is subsequently convicted of a violation of the Controlled Substances Act or any crime of violence for which imposition of a mandatory minimum term of imprisonment is required, he or she shall be sentenced to an additional 5 years' imprisonment.

(d) REPEAL OF TITLE VIII OF VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Title VIII of Violent Crime Control and Law Enforcement Act of 1994 and the amendment made by that title are repealed effective as of the effective date specified in subsection (c).

TECHNICAL CORRECTIONS CONCURRENT RESOLUTION

NUNN AMENDMENT NO. 2586

Mr. CONRAD (for Mr. NUNN) proposed an amendment to the concurrent resolution (H. Con. Res. 285) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182; as follows:

At the end of the concurrent resolution, add the following new paragraphs:

(3) In section 132(a)(1)(C), strike out "(described in subsection (i))" and insert in lieu thereof "(described in subsection (h))".

(4) In section 924, strike out "Court of Military Criminal Appeals" each place it appears and insert in lieu thereof "Court of Criminal Appeals".

(5) In section 1661(b)(4)—
(A) strike out "by adding at the end" in subparagraph (A) and insert in lieu thereof "by inserting after section 3020"; and

(B) strike out "by adding at the end" in subparagraph (B) and insert in lieu thereof "by inserting after section 8020".

(6) In section 2832, strike out "Authority" each place it appears (other than in the caption of subsection (b)) and insert in lieu thereof "Agency".

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Thursday, September 29, 1994, at 10:30 a.m. in SR-332, to consider the nomination of Marsha P. Martin, of Texas, to be a member of the Farm Credit Administration. Senator KENT CONRAD will preside.

For further information, please contact Christine Sarcone of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, September 21, 1994, at 2 p.m. in executive session to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 21, beginning at 10 a.m. to conduct a hearing on U.S. competitiveness and trade policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Commit-

tee on Commerce, Science, and Transportation be authorized to meet on September 21, 1994, at 9:30 a.m. on the nomination of Thomas R. Carper [DE] and Celeste Pinto McClain [CA] to be members of the board of directors of the National Railroad Passenger Corporation [AMTRAK].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., September 21, 1994, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 21, 1994 at 10 a.m. to hold nomination hearings on the following ambassadorial appointments:

Mr. Marc Grossman, of Virginia, to be Ambassador to the Republic of Turkey.

Mr. Alfred H. Moses, of Virginia, to be Ambassador to Romania.

Mr. Charles E. Redman, of Florida, to be Ambassador to the Federal Republic of Germany.

Mr. Kenneth Spencer Yalowitz, of Virginia, to be Ambassador to the Republic of Belarus.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 21, 1994, at 10 a.m., in room 628 Senate Dirksen Office Building to consider the nominations of David S. Tatel to be Maryland U.S. circuit judge for the District of Columbia Circuit, Robert J. Cindrich to be U.S. district judge for the Western District of Pennsylvania, David H. Coar to be U.S. district judge for the Northern District of Illinois, David F. Hamilton to be U.S. district judge for the Southern District of Indiana, Catherine D. Perry to be U.S. district judge for the Eastern District of Missouri and Paul E. Riley to be U.S. district judge for the Southern District of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 21, 1994, at 2 p.m. to hold a hearing on new nationalisms in Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 21, 1994, at 10 a.m. to hold a hearing on Iraq claims legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LABOR

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Labor be authorized to meet for a hearing on child labor and the new global marketplace, during the session of the Senate on September 21, 1994, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SEVENTH COMMANDMENT: THE SOCIAL TEACHINGS OF THE CHURCH ARE MOST COMPLETELY EXPRESSED

• Mr. SIMON. Mr. President, I happen to be affiliated with the Lutheran Church, and my wife happens to be Roman Catholic. Recently, we spent a weekend in New York City and, while there, attended St. Patrick's Cathedral, the great Roman Catholic edifice, and attended services at St. Peter's Lutheran Church.

While at St. Patrick's Cathedral, I picked up a statement issued by Cardinal O'Connor on the Seventh Commandment, in connection with the publication of the New Catechism by the Roman Catholic Church.

It contains insights for people of every faith and persuasion.

For example, he says:

The Seventh Commandment is a negative sounding commandment, "You shall not steal," but it is actually talking about how we treat one another, how we respect one another, how we respect one another's time, property, efforts, and labor.

At another point, he quotes the New Catechism saying:

Stealing is not simply the pick-pocket in the subway, or a robbery at Tiffany's. Stealing is an exercise of injustice toward anyone else's rights, depriving anyone of that which is his or her due.

And he has a great quotation from "Spartacus": "The law often allows what honor forbids."

At another point in his essay, Cardinal O'Connor states:

We have to keep looking at various of our practices. Corporate takeovers, for example, may be carried out with civil justice but not moral justice. Very often today people don't know who it is that they work for, who actu-

ally owns the company and so this personal touch is lost and makes lawful negotiations very difficult. We have seen that happen right here in this city when out-of-town companies own what seems to be a local corporation. Then when it comes time for workers to bargain they are bargaining with faceless out-of-towners in the person of their representatives here.

Is it possible that in some corporate takeovers pension funds are plundered and people who have worked for a lifetime find themselves without jobs and without pensions? This is stealing. This is a gross violation of the Seventh Commandment.

I ask that the entire essay of Cardinal O'Connor be placed into the RECORD at this point.

The essay follows:

[From the Catholic New York, Sept. 15, 1994]
SEVENTH COMMANDMENT—THE SOCIAL TEACHINGS OF THE CHURCH ARE MOST COMPLETELY EXPRESSED

This is the official text of Cardinal O'Connor's 33rd homily on the new Catechism of the Catholic Church which was delivered in St. Patrick's Cathedral Sept. 11.

Today we continue our study of the new Catechism of the Catholic Church. Our session today will focus on the Seventh Commandment which most completely expresses the social teaching of the Church particularly in areas of special concern to labor. And because today we honor labor it is most appropriate.

First, however, I want to go back to today's second reading. It is taken from the letter of St. James, written around the year 45 A.D. To me it synthesizes everything that could be said, everything that should be said, about what our relations with one another should be, and in a very special way what relations between employers and employees, labor and management should be.

St. James asks the question, "What good is it to profess faith without practicing it?" Our Lord Himself said, "Lots of people cry out to me, 'Lord, Lord,' but their hearts are far from me." St. James asks:

"What good is it to profess faith without practicing it? Such faith has no power to save one, has it? If a brother or sister has nothing to wear and no food for the day, and you say to them, 'Goodbye and good luck! Keep warm and well fed,' but do not meet their bodily needs, what good is that? So it is with the faith that does nothing in practice. It is thoroughly lifeless." [Jas. 2:14-16]

This spells out what we call the social gospel, the gospel of justice and of charity, the gospel of carrying what we purport to believe into action.

I watch a lot of parades. During those parades I get many hats and many T-shirts. Frequently, the hats and the T-shirts will have some poignant message on them, something very clear and meaningful. This is especially true during the Labor Day Parade. If I were going to create a T-shirt for this purpose I would select these words from St. James and put them right up and down the T-shirt: "If a brother or sister has nothing to wear and no food for the day, and you say to them, 'Goodbye and good luck! Keep warm and well fed,' but do not meet their bodily needs, what good is that?" What good is that? This is not simply a Christian teaching, a teaching merely from the Gospels. This is deeply rooted in the Old Testament, what we call the Jewish Scriptures, and it is spelled out quite explicitly in the Ten Commandments from beginning to end.

The Seventh Commandment is a negative sounding commandment, "You shall not

steal," but it is actually talking about how we treat one another, how we respect one another, how we respect one another's time, property, efforts, and labor. The Catechism says:

"The seventh commandment forbids unjustly taking or keeping the goods of one's neighbor and wronging him in any way with respect to his goods. It commands justice and charity in the care of earthly goods and the fruits of men's labor. For the sake of the common good, it requires respect for the universal destination of goods and respect for the right to private property. Christian life strives to order this world's goods to God and to fraternal charity." [2401]

The Church has been teaching this kind of thing all through its history, but it has come into full blossom since 1891 and the encyclical of Pope Leo XIII called *Rerum Novarum* or "Of New Things." We will see in a few moments why it has that title.

The Catechism goes on:

"* * * The goods of creation are destined for the whole human race. However, the earth is divided up among men to assure the security of their lives, endangered by poverty and threatened by violence. The appropriation of property is legitimate for guaranteeing the freedom and dignity of persons, and for helping each of them to meet his basic needs and the needs of those in his charge. It should allow for a natural solidarity to develop between men." [2402]

It can hardly be argued that one of the triggering factors in the breakdown of the Soviet Union was what the Polish unions called "solidarity."

The Catechism continues:

"In his use of things man should regard the external goods he legitimately owns not merely as exclusive to himself but common to others also, in the sense that they can benefit others as well as himself * * *." [2404]

As St. James said, it is no good to say goodbye and good luck, keep warm and well fed but not meet peoples' bodily needs. That is a lifeless faith.

The Catechism says:

"Even if it does not contradict the provisions of civil law, any form of unjustly taking and keeping the property of others is against the seventh commandment: thus, business fraud; paying unjust wages; forcing up prices by taking advantage of the ignorance or hardship of another * * *." [2409]

Civil law may allow a number of these things, but the moral law does not. We are still suffering, all of us, because of the manipulations of savings and loans, a major scandal for which the country, that means all working people, are still paying.

The Catechism continues:

"* * * The following are also morally illicit: speculation in which one contrives to manipulate the price of goods artificially, in order to gain an advantage to the detriment of others; corruption in which one influences the judgment of those who must make decisions according to law; appropriation and use for private purposes of the common goods of an enterprise; work poorly done; [Work poorly done means taking money for what hasn't been done. Stealing is not simply the pick-pocket in the subway, or a robbery at Tiffany's. Stealing is an exercise of injustice toward anyone else's rights, depriving anyone of that which is his or her due.]; tax evasion; forgery of checks and invoices; excessive expenses and waste. Willfully damaging private or public property is contrary to the moral law and requires reparation. [Sometimes, unfortunately this is done during strikes. It is always self-defeating as well as immoral.] [2409]

*Promises must be kept and contracts strictly observed to the extent that the commitments made in them are orally just. (It used to be good enough just to shake hands. Now contracts are very, very complex but to the degree that they are morally just they must be kept) * * ** [2410]

In the plays of Shakespeare you find that beyond the law is honor, a plain, old-fashioned virtue. Or as we read in "Spartacus," "The law often allows what honor forbids."

The Catechism continues:

"In virtue of commutative justice, *reparation for injustice* committed requires the restitution of stolen goods to their owner." [2412]

It is not enough to be sorry for having stolen, to be sorry for depriving someone of his or her rights. There must be restitution.

The Catechism continues:

"The seventh commandment forbids acts or enterprises that for any reason—selfish or ideological, commercial or totalitarian—lead to the enslavement of human beings, to their being bought, sold and exchanged like merchandise, in disregard for their personal dignity * * * [2412]

These are not dead, abstract words in the Catechism. We have to keep looking at various of our practices. Corporate takeovers, for example, may be carried out with civil justice but not moral justice. Very often today people don't know *who* it is that they work for, who actually owns the company and so this personal touch is lost and makes lawful negotiations very difficult. We have seen that happen right here in this city when out-of-town companies own what seems to be a local corporation. Then when it comes time for workers to bargain they are bargaining with faceless out-of-towners in the person of their representatives here.

Is it possible that in some corporate takeovers pension funds are plundered and people who have worked for a lifetime find themselves without jobs and without pensions? This is stealing. This is a gross violation of the Seventh Commandment.

The Catechism talks explicitly about the social doctrine of the Church. It says:

"* * * The Church receives from the Gospel the full revelation of the truth about man * * * She teaches him the demands of justice and peace in conformity with divine wisdom." [2419]

Pope John Paul II is *constantly* preaching about the dignity of the human person, of all human persons, with emphasis on the working person. He gets discredited by so many, he gets blamed for so much, but so many ignore what he fearlessly says about our obligations toward one another.

The Catechism continues:

"The Church makes a moral judgment about economic and social matters, 'when the fundamental rights of the person or the salvation of souls requires it.' * * * [2420]

"The social doctrine of the Church developed in the nineteenth century when the Gospel encountered modern industrial society with its new structures for the production of consumer goods, its new concept of society, the state and authority, and its new forms of labor and ownership. The development of the doctrine of the Church on economic and social matters attests the permanent value of the Church's teaching at the same time as it attests the true meaning of her Tradition, always living and active." [2421]

At the risk of being tedious and sounding abstract let me spend a moment on this. This passage is talking about the period in the Church immediately following Karl Marx

who lived from 1818 to 1883. Pope Leo XIII came out with his encyclical "Of New Things" in 1891 precisely because there had been a revolution in society. Everything had been turned topsy-turvy. The industrial revolution had taken place and all sorts of new attitudes had developed.

Karl Marx taught the principle of so-called economic determinism which argued that the economy determined everything. By "the economy" Karl Marx meant money. Money was the determinant of everything. Free will meant nothing. The place of God meant nothing. The dignity of the human person meant nothing. It sounded as though it was for the purpose of helping the human person but it was exactly the opposite. Marx borrowed from the philosopher-historian Hegel who believed that class struggle, class conflict is absolutely inevitable. It's in the very nature of things that the "have-nots" will always turn against the "haves." Then there will be a period of equilibrium. Then it starts all over again as though there were no free will, as though we couldn't bargain intelligently, in dignified civil human fashion with one another, respecting one another as made in the image and likeness of God. This is what Karl Marx was saying. It was part of his teaching, that only by bloody revolution could equity and justice be brought about.

It was against this that Pope Leo XIII was speaking in "Of New Things." This is why he fostered and encouraged the development of unions, of working peoples' associations, of voluntarily coming together, of recognizing that we are social human beings, that we naturally should unite out of justice, out of charity, out of self-protection. We should do this voluntarily, not by force and not letting any superior force—state, management, whoever it might be—prevent us from negotiating in good faith as human beings.

The Catechism continues:

"Any system in which social relationships are determined entirely by economic factors is contrary to the nature of the human person and his acts." [2423]

What we have to ask today in our own country is, even though communism has generally been dissipated, do we have a mirror image of it, or of economic determinism? Is it still money that matters most?

The Catechism says:

"A theory that makes profit the exclusive norm and ultimate end of economic activity is morally unacceptable * * * It is one of the causes of the many conflicts which disturb the social order." [2424]

The profit motive is a legitimate motive. But do we exist only for profit, only for money? Does that determine everything? Are people good or bad in accordance with whether or not they have money, or don't have money? Are industrialists good or bad in accordance with how much profit they make or don't make? Is a union leader good or bad in proportion to how much more money he or she can get for workers regardless of how, regardless of whether it is just? That's the mirror image of economic determinism. It is just as bad if it is practiced in capitalism as if it is practiced in communism.

The Catechism continues:

"A system that 'subordinates the basic rights of individuals and of groups to the collective organization of production' is contrary to human dignity * * * [2424]

"The Church has rejected the totalitarian and atheistic ideologies associated in modern times with 'communism' or 'socialism.' She has likewise refused to accept, in the practice of 'capitalism,' individualism and

the absolute primacy of the law of the marketplace over human labor * * * [2425]

We can not permit abstract laws, so-called historical laws to rob us of free will.

The Catechism goes on to say:

"* * * Economic life is not meant solely to multiply goods, produce and increase profit or power; it is ordered first of all to the service persons, of the whole man, and of the entire human community * * * [2426]

The Catechism talks about human work in very exalted terms.

"Human work proceeds directly from persons created in the image of God and called to prolong the work of creation by subduing the earth, both with and for one another. Hence work is a duty * * * Work honors the Creator's gifts and the talents received from him. It can also be redemptive. By enduring the hardship of work in union with Jesus, the carpenter of Nazareth and the one crucified on Calvary, [we] collaborate in a certain fashion with the Son of God in his redemptive work * * * Work can be a means of sanctification and a way of animating earthly realities with the Spirit of Christ. [2427]

"In work, the person exercises and fulfills in part the potential inscribed in his nature * * * Work is for man, not man for work."

"Everyone should be able to draw from work the means of providing for his life and that of his family, and of serving the human community. [2428]

"Economic life brings into play different interests, often opposed to one another. This explains why the conflicts that characterize it arise. Efforts should be made to reduce these conflicts by negotiation that respects the rights and duties of each social partner: those responsible for business enterprises, representatives of wage earners—for example, trade unions—and public authorities when appropriate." [2430]

We have to have the right to negotiate but somehow, somewhere, in my judgment, we have gone wrong. Sometimes it appears that we think ourselves back in the early decades of this century. We want to use the same tools, the same instruments in negotiation. For example, in 1938 the Supreme Court of the United States delivered a decision which, in my judgment, was terribly destructive of the whole concept of negotiation if not actually immoral—the decision that authorized permanent replacements for striking laborers.

We are still using that today. It was used in the newspaper strike here in New York quite recently. The threat of permanent replacements makes it a charade to say that working people have the right to negotiate and the right to strike. The right to strike should be exercised *only* after all negotiations in good faith have been exhausted.

Is the move to strike the first step taken? Is it used as an instrument of threat? Do we believe that management negotiates with labor instead of human persons negotiating with human persons? Have we lost something or are we losing something, something that must be restored, something vital to true, honest, effective, productive and fruitful negotiations between persons in management and persons who constitute the labor force? Management is not negotiating with unions; *persons* in management are negotiating with *persons* in unions.

Pope John Paul II said, "The primacy of man over the instrument of capital, the primacy of the person over things, the priority of human labor over capital. Upon this we must insist." Then we will get rid of the potential of violence. Then we will get rid of the strike as the first approach rather than

the last. Then we will get rid of the arrogant use of power.

Something has gone wrong. I can say that as an employer myself and on behalf of everyone in a position in the Church who must exercise equity, justice and charity for those who work for the Church, with the Church, to those who build for the Church, to those who work in Church offices. Each is a person as I am supposed to be a person. We have to right whatever it is that is wrong. We can not start out from the principle how can I get more, how can I give less. This to me is enormously important.

The Catechism takes up justice and solidarity among nations and reminds us of the almost singular voice of our Holy Father in Cairo trying to bring about justice and charity for all the peoples of the world rather than an obsession with population control. It seems to me that labor should be on this side rather than on the side of those obsessed with reducing the number of people in the world. Labor should be on the side of those who opt for development rather than the side of those intent on reducing the numbers of black peoples and Hispanic peoples and other peoples who are non-white labor. Pragmatically that is where the jobs are: to build dams in the Third World, to provide engineers and agriculturalists for the Third World, to help develop the enormous resources in the Third World and throughout the world.

The Catechism says:

"God blesses those who come to the aid of the poor and rebukes those who turn away from them * * * [2443]

"The Church's love for the poor * * * is a part of her constant tradition * * * Love for the poor is even one of the motives for the duty of working so as to 'be able to give to those in need.' [Eph. 4:28] It extends not only to material poverty but also to the many forms of cultural and religious poverty. [2444]

"The works of mercy are charitable actions by which we come to the aid of our neighbor in his spiritual and bodily necessities. Instructing, advising, consoling, comforting, are spiritual works of mercy, as are forgiving and bearing wrongs patiently. The corporal works of mercy consist especially in feeding the hungry, sheltering the homeless, clothing the naked, visiting the sick and imprisoned, and burying the dead * * * [2447]

"In its various forms—material deprivation, unjust oppression, physical and psychological illness and death—human misery is the obvious sign of the inherited condition of frailty and need for salvation in which man finds himself as a consequence of original sin * * * [2448]

It has been clearly demonstrated for any who are willing to listen with an open mind that there can be more than enough food for any one who could be born. But we have to work. Work is a great gift and a great privilege.

I can never preach in this cathedral about work without being again reminded of the beauty of the cathedral itself. I didn't build it. It was built by management. Archbishop John Hughes had to take the risks of management. It was built physically by the hands of working people, by the hands of artists, as is everything done by human beings: a beautiful piece of music, a beautiful work of art, the molding of bricks, the digging of sewers, the emptying of bed pans, the administration of medicines, the practice of surgery, the typing of letters, all of these are the work of human hands. Even if the work is done by machines, they are machines cre-

ated by the human mind. How we must respect this! And how I, who profit so much as do we all by the work of others, must respect everyone who contributes to society. Everything that we wear, everything that we eat is the result of the work of human hands.

In this Mass, when we offer the bread to Almighty God that we believe becomes the Body of His Son, we call it "the work of human hands." We offer the wine, the "fruit of the vine, and the work of human hands" to become the Blood of the Son of God. What reverence and what respect we must have!

Not too long ago I was criticized for saying at a union rally that I am proud to be the son of a union man. Let me tell you I am proud to have my responsibilities in management. I am proud of all of the wonderful people in the Archdiocese of New York in management who help the archdiocese, who help the poor, who help keep kids in our schools, who help keep our hospitals open, people in corporate management in the corporate structure. I am proud of all of them. I am proud and humbled to be the Cardinal Archbishop of New York. But the title of which I am as proud as any that I could ever have is the title of being the son of a union man! God bless you. •

MINNESOTA BLACK MUSIC AWARDS

• Mr. WELLSTONE. Mr. President, I want to take this occasion to bring to the attention of my colleagues an extraordinary achievement in the State of Minnesota. On Friday, September 2, I had the privilege of attending the 13th Annual Minnesota Black Music Awards, which was a part of the Minnesota Black Music Expo '94. This event recognized Mr. Gary Hines and the Sounds of Blackness for their 23d year in music.

I was honored to issue a proclamation which I was able to present that evening, and I ask that a copy of the proclamation be included in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas: September 1-4th has been designated as the celebration of the Minnesota Black Music Expo '94, which over 50,000 individuals have attended to this date; and

Whereas: The Minnesota Black Music Expo '94 music and artist conference attracts artists and industry patrons from major cities throughout the country; and

Whereas: They continue to promote and encourage new music, products and services while serving as an inspiration to all who encounter their work; and

Whereas: This year represents the Minnesota Black Music Expo's 13th annual Minnesota Black Music awards, honoring Mr. Gary Hines and The Sounds of Blackness for their 23rd year in music; and

Whereas: Through their proud heritage and rich culture, Mr. Gary Hines and the Sounds of Blackness have enriched our state and nation's history, pride and diversity; and

Whereas: This year the Minnesota Black Music Awards also hosts the presentation of keys to the cities and presents to Mr. Jerry Boulding the Vanguard award for outstanding industry contributions; and

Whereas: Our state holds deep pride in all of the people and achievements of the Minnesota Black Music Expo '94;

Now therefore, I, Paul D. Wellstone, United States Senator for the State of Minnesota, do hereby congratulate The Minnesota Black Music Expo '94 and this year's Minnesota Black Music award recipients Mr. Gary Hines and the Sounds of Blackness, with highest recognition of their dedication, achievements and continuing enthusiasm which have been instrumental in helping to make Minnesota the great state that it is.

PAUL DAVID WELLSTONE,
U.S. Senator. •

NATIONAL GANG VIOLENCE PREVENTION WEEK

• Mr. SIMON. Mr. President, it has become all too clear that young people are increasingly the victims and the perpetrators of violent crime. The tragedy of Robert Sandifer, an 11-year-old boy in Chicago suspected of killing one of his 14-year-old neighbors and then murdered by a 14-year-old and a 16-year-old in an apparent gang related killing, illustrates the problem. Robert was 8 years old when he was first arrested by the police. Although Robert's story is chilling, it has sadly become a familiar one. How can a 8-year-old child commit murder? How can an 11-year-old child be murdered by other children? Most importantly, what can we do to stop this?

The crime bill signed by President Clinton makes some important contributions to the fight against crime. Many of the prevention programs in the bill will make an important difference in young people's lives. But there is a limit to what the Federal Government can achieve in each community. That is why community programs, local activism and parental involvement are essential elements of any effort to protect young people from violence.

In Chicago, the groups Parents against Gangs, founded by Betty Major-Rose and her husband, James Rose, and Broader Urban Involvement and Leadership Development have sponsored "Gang Awareness Week" for several years. Citizens participate in activities designed to raise awareness about the problems of gangs and to encourage their involvement in efforts to curb gang violence. This year, I sponsored a resolution in the Senate to designate the week of September 12, 1994, National Gang Violence Prevention Week.

On Saturday, September 10, President Clinton issued a proclamation designating this week National Gang Violence Prevention Week. This week will serve to highlight community achievements in the effort to stem the tide of youth violence, and to encourage more communities across the Nation to join in this important effort. I commend the President for his proclamation and Ms. Major-Rose and other community leaders for their commitment to this cause.

Mr. President, I ask that President Clinton's proclamation be entered into the RECORD at this point.

The proclamation follows:

A PROCLAMATION—BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Robert Sandifer was 8 years old the first time he was arrested by police. He was 11 years old when he died, a victim, police believe, of a gang-related killing. He was also suspected of killing Shavon Dean, an innocent victim of an earlier gang-related shooting. In Shavon and Robert's hometown, the number of gang homicides has nearly tripled since 1980. And in neighborhoods across America, too many mothers and fathers have experienced the anguish of losing a child to the meanness of the streets. For them and for all of us, it is past time to end the violence.

At younger and younger ages, boys and girls are turning to gangs. For a child without an involved family, a gang offers a feeling of belonging. For a young person without options for tomorrow, a gang offers a sense of purpose. For all those born in a home cordoned off against danger, with bars on the windows and chains on the doors, life on the streets seems all too often a taste of freedom they have never known. But American freedom is better than that. We know this. We see freedom at work every day in the determined faces of parents striving to make a better life for themselves and their children. And we see it every day in big cities and small towns across the country as Americans come together to put the spirit of community to work.

Confronted with the horror of children planning their own funerals, our Nation has begun planning for the future. Our first, best hope is in the common cause of those around us. A community that shares life's experiences can be an important source of strength and understanding in a world that seems filled with growing violence and diminishing hope. Families and communities are coming together across the country to bring hope to even our most troubled youth. In Birmingham, Alabama, where police officers are sponsoring athletic teams and tutoring programs in 52 neighborhoods, youth crime has dropped by 30 percent. In Los Angeles, teachers and sheriffs are working in teams to show kids alternative methods of resolving conflicts, encouraging them to develop a sense of self-worth apart from gangs. The 1994 crime bill seeks to provide grassroots programs like these the resources they need to push forward in their efforts and to succeed in their fight.

In an invaluable victory for citizens across the country, the Congress passed, and I will soon sign, a crime bill that is designed to save the lives of children like Shavon and Robert. This path-breaking legislation will punish hardened young criminals by requiring stronger penalties, and it will expand the use of community boot camps, drug courts, and other alternative sanctions to stop first-time offenders from beginning a lifetime of crime. It bans 19 of the deadliest assault weapons, and it goes a long way toward keeping guns out of the hands of juveniles. With strong measures of discipline and training, drug treatment and education, this bill takes on the sickness of gangs and drugs and gives our young people a new chance at life. Ours is important work: It is about trying to save a generation of children and to secure the future life of a country. It is a job we can surely do.

Ours remains the greatest Nation the world has ever known because we have not shied away from challenges. Rather, we have consistently sought to surmount them. The problem of gang violence is among the most profound we as a people have ever faced. We must respect our young people enough to give them a positive choice for the future. We must take responsibility for teaching them to choose what is right. The solutions are within our reach. The power to change America is within ourselves. Together, we must work to redeem the promise that every young life holds.

Now, therefore, I William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 12 through September 16, 1994, as "National Gang Violence Prevention Week." I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

In witness whereof, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and nineteenth.

WILLIAM J. CLINTON

ORDERS FOR TOMORROW

Mr. CONRAD. Mr. President, on behalf of the majority leader, I ask unan-

imous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Thursday, September 22; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; that Senator GRAHAM of Florida and Senator HATFIELD of Oregon be recognized for a total of 30 minutes; that at 10:30 a.m., there be 1 hour for debate on the motion to invoke cloture on the motion to disagree to the amendments of the House to S. 3, with the time equally divided and controlled between Senators FORD and MCCONNELL, or their designees; that upon the use or yielding back of time, the Senate vote on the motion to invoke cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. CONRAD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:31 p.m., recessed until Thursday, September 22, 1994, at 10 a.m.

NOMINATION

Executive nomination received by the Senate September 21, 1994:

DEPARTMENT OF STATE

VONYA B. MCCANN, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.